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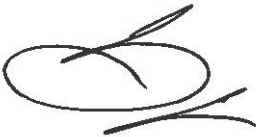
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24 February 2020

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 03 March 2020 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 3.15pm prompt. A schedule detailing the sites to be visited is attached to the Agenda.

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Planning Committee – 04 February 2020

3. INTERESTS

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

4. APPLICATIONS FOR DETERMINATION

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

PUBLIC PARTICIPATION

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

	Page No.
4.1 APPLICATION NO. 19/01234/VCOND (Site Visit)	05 – 18
Variation of Condition 32, of planning permission 14/00891/FUL to allow for widened scope of uses on site, including corporate training, external courses, school/study groups, family groups, holiday camps and parties at Mount Cook Adventure Centre, Porter Lane, Middleton By Wirksworth.	
4.2 APPLICATION NO. 19/01355/FUL (Site Visit)	19 – 23
Formation of accesses and off street parking areas at 3 to 5 Rodsley Lane, Yeaveley, Derbyshire DE6 2DT.	
5. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS	24 – 32
6. APPEALS PROGRESS REPORT	33 - 51
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
- h) 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 **3.15pm prompt** for the following site visits:

	Page No.
3.30pm APPLICATION NO. 19/01234/VCOND	05 – 18
MOUNT COOK ADVENTURE CENTRE, PORTER LANE, MIDDLETON BY WIRKSWORTH	
At the request of Officers for Members to appreciate the site, context and impacts on residents.	
4.15pm APPLICATION NO. 19/01355/FUL	19 - 23
3-5 RODSLEY LANE, YEAVELEY, DERBYSHIRE DE6 2DT	
At the request of Officers to enable Members to assess the impact of the development on the character and appearance of its surroundings.	
5.00pm RETURN TO TOWN HALL, MATLOCK.	

COMMITTEE SITE MEETING PROCEDURE

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

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

APPLICATION NUMBER		19/01234/VCOND	
SITE ADDRESS:		Mount Cook Adventure Centre, Porter Lane Middleton By Wirksworth	
DESCRIPTION OF DEVELOPMENT		Variation of Condition 32 of planning permission 14/00891/FUL to allow for widened scope of uses on site including corporate training, external courses, school/study groups, family groups, holiday camps and parties	
CASE OFFICER	Sarah Arbon	APPLICANT	Mount Cook Adventure Ltd
PARISH/TOWN	Wirksworth	AGENT	Sammons Architectural Ltd
WARD MEMBER(S)	Cllr P Slack Cllr M Ratcliffe Cllr E McDonagh	DETERMINATION TARGET	31.01.20
REASON FOR DETERMINATION BY COMMITTEE	Linked to major application and more than 5 unresolved objections received.	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context and the impacts on residents.

MATERIAL PLANNING ISSUES

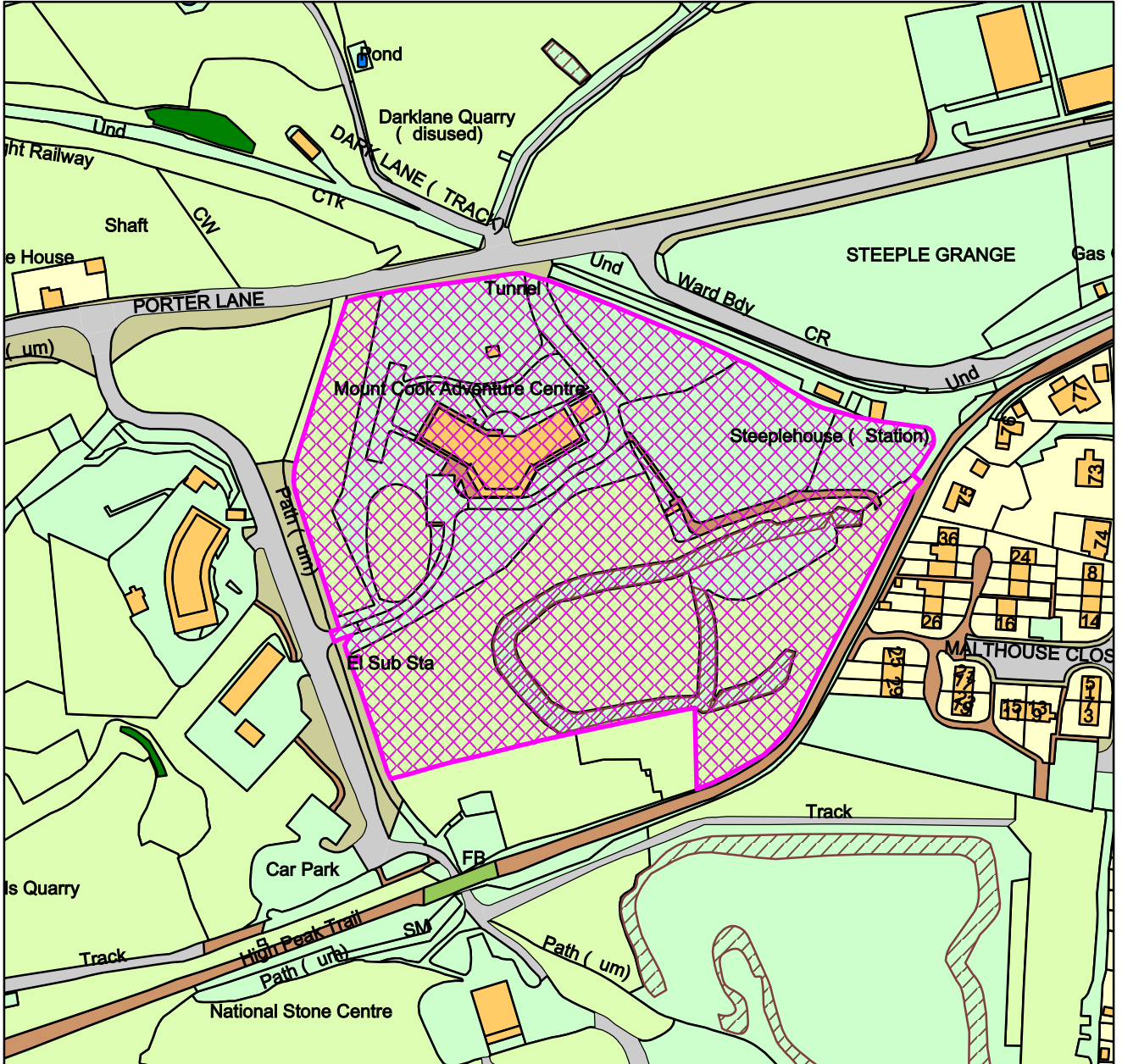
- Principle of Development
- Impact on Residential Amenity
- Highway Safety

RECOMMENDATION

Approval with conditions

19/01234/VCOND

Mount Cook Adventure Centre, Porter Lane, Middleton By Wirksworth



Derbyshire Dales DC

1:2,500

Date: 20/02/2020

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 site is located to the south of Porter Lane which is accessed to the west of the site. The Activity Centre is a two storey stone and timber clad building visible from Porter Lane and includes the former quarry to the south which is adjacent to the High Peak Trail. The access road is shared with the Derbyshire Eco Centre and National Stone Centre. The Steeple Grange Light Railway is to the east and the nearest residential dwellings are on Malthouse Close to the south west 130 m from the building and with their back gardens over the High Peak Trail from the outside activity area. The site lies within the 50 hectare Colehill Quarry Site of Special Scientific Interest (SSSI).



2 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought to vary condition 32 of planning permission code ref. 14/00891/FUL for an activity and field centre building, vehicular access and associated infrastructure, which reads:

Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), this permission shall relate solely to the use of the land and buildings for residential activity and field centre and for no other purpose, including any other activity within the same class of the schedule to that Order.

- 2.2 The reason for the condition was to ensure the "Local Planning Authority retains control over the use of the building, due to the sensitive nature of the site and the impacts in terms of highway safety in accordance with Policies SF4, SF5, NBE2, NBE3, NBE4, NBE5, TR1, TR8 and L14 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework".
- 2.3 The proposal is to amend this condition to allow the existing facilities to be used for other groups such as weddings, birthday parties, corporate and adult training development, apprentices' programmes, university external courses, primary and secondary school groups, revision and study days, summer camps, holiday camps, family and group bookings, adventure breaks, educational breaks etc.. and other events and activities of a similar nature. The existing use granted in 3rd July 2015 generally falls within the C2 use class (residential Institution) albeit restricted to 'residential activity and field centre'. This application seeks to expand the use of the premises and land to a more varied uses within both H1 (Hotel) and D2 (Assembly and Leisure) with ancillary A3/A4 (restaurant and bar / drinking establishment).

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S1: Sustainable Development Principles
 - S4: Development in the Countryside
 - PD1: Design and Place Making
 - PD3: Biodiversity and the Natural Environment
 - PD8: Flood Risk Management and Water Quality
 - EC1: New and Existing Employment Development
 - EC8: Promoting Peak District Tourism and Culture
 - HC17: Promoting Sport, Leisure and Recreation
 - HC19: Accessibility and Transport
 - HC20: Managing Travel Demand
 - HC21: Car Parking Standards
2. National Planning Policy Framework
National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY:

14/00891/FUL	Activity and field centre building, vehicular access and associated infrastructure	PERC	03/07/2015
15/00730/FUL	Erection of high wire activity apparatus and associated works including footpath link	PERC	29/02/2016
16/00352/FUL	Erection of 10 no. camping pods	PERC	25/07/2016
16/00868/FUL	Zip wire activity apparatus and associated works, tower and footpath	PERC	06/02/2017
17/01235/FUL	Erection of ancillary building and assembly area	PERC	15/02/2018
18/00294/VCOND	Variation of condition 2 of planning application 16/00352/FUL to regularise the siting of the permitted camping pods	PERC	21/09/2018
18/01047/ADV	Proposed replacement signage	PERC	14/11/2018
19/00721/FUL	Proposed construction of low ropes activity course	PERC	04/09/2019

5 CONSULTATION RESPONSES

Parish / Town Council

- 5.1 Wirksworth Town Council has no comment, however, they have declared a climate emergency and therefore any development or change should seek to reduce the carbon footprint.

Environment Agency

- 5.2 The Environment Agency did not request the condition and have no comments to make.

Derbyshire County Council (Highways)

- 5.3 The Highways Authority requested an amended red line plan to include the access to the public highway and details of provision of car parking within the application site. The

amended plan demonstrates 7 formal parking spaces and 89 informal spaces. They consider that a condition should restrict that each event should be booked for exclusive use only and these additional uses should remain ancillary to the main use as an activity centre.

Natural England

- 5.4 Natural England is satisfied that the proposed variation of condition 32 would not adversely impact upon Colehill Quarries, Gang Mine and Cromford Canal Sites of Special Scientific Interest (SSSIs).

Derbyshire Wildlife Trust

- 5.5 Derbyshire Wildlife Trust states that the southern section of the site falls within part of the National Stone Centre Quarries LWS and Colehill Quarries SSSI. The SSSI has been designated for its geological interest and the LWS has been designated for its habitats and species including its Derbyshire Red Data Book species and butterflies. Their main concern would be in relation to any increases in noise and/or light pollution. The latter issue is of particular concern as the nearby Gang Mine SAC and SSSI is known to support population of glow worms and more widely the area is known to support bats and other nocturnal species such as moths. Provided that external light levels stay broadly the same and the areas of land within the boundary of the SSSI and LWS are not subject to any increase in use they do not consider that there are likely to be any substantive impacts on biodiversity resulting from the variation.

Ramblers Association

- 5.6 The Ramblers have no objection provided that Wirksworth FP/BW 2/3 are kept free from obstruction both during and after development, and that walkers and all Bridal Way users are unaffected in their use and enjoyment of Rights of Way.

Environmental Health (Derbyshire Dales)

- 5.7 The Noise Management Plan submitted is considered acceptable and conditions are required in relation to restricting indoor and outdoor noise.

Lead Local Flood Authority

- 5.8 No comments.

6 REPRESENTATIONS RECEIVED

- 6.1 A total of 8 representations objecting to the application have been received. A summary of the representations is outlined below:

- A resident of Steeple Grange has complained to the Council previously due to noise from outdoor activities at the centre.
- The shouting from team building events and ones involving singing at weekends has reduced their enjoyment of their garden.
- The proposed uses would generate more traffic at the site access onto Porter Lane opposite their property.
- There is noise from coaches parking and general noise in the summer is unbearable.
- The proposal is contrary to Policies S4 and HC17 of the Wirksworth Neighbourhood Plan as it would have an adverse impact on the character and appearance of the rural area and would create unacceptable problems for the neighbourhood of Malthouse Close and Steeple Grange.
- The centre has on a number of occasions used the site to accommodate events that go beyond its core remit which have included weddings, religious and family events organised on an exclusive use with no Mount Cook Staff attending.

- No management plan has been submitted with the application as advised in the Pre-application advice given.
- The management of the centre have not demonstrated that noise or conflicts can be adequately controlled as from their experience the weekend and holiday events have not been.
- The submitted Noise Management Plan does not include noise by people drinking outside and car doors slamming.
- The proposed car parking to the east of the centre may need to be lit, causing light pollution for residents.
- The elevated position of the site means that noise carries at greater distances and would be highly intrusive at 1:00am.
- The Noise Management Plan does not include how it will be managed and whether Mount Cook Staff would attend and manage the exclusive events.
- Would the noise recording advice be available to be reviewed by Environmental Health.
- The proposal has the potential to allow the centre to be a 365 days, 24 hours and 7 days a week facility which was not what was envisaged when it was originally approved in 2015.
- It is not clear how the proposal aids tourism when they would result in increased noise and reduced parking for the High Peak Trail, National Stone Centre and Eco Centre users.
- There are two houses adjacent to the site rented to staff which should not be denying local people the opportunity to rent / buy.
- On two occasions since its opening a resident of Oakerthope Road had to contact the centre over loud music after 11pm and staff said at that time that the 'parties' were an experiment to boost the centre's income.
- The centre is going to hold parties with music playing until 12am and 1am at weekends and affect the peace and quiet of resident's gardens.
- On one occasion last year they had to have all their windows closed because it was so noisy.

6.2 Four representations in support of the application have been received. A summary of these representations is outlined below:

- It would be a great common sense addition to an already purpose built centre.
- There are obvious benefits to the local economy, creating new jobs for young people.
- Mount Cook has a great ethos and do a lot to educate their clients on the well-being benefits of enjoying and looking after the local flora and fauna.
- The centre provides an exciting and positive adventure for young people from all over the country together with their work in partnership with charities through increasing the awareness of the environment.
- The centre also provides a safe space for a variety of religious and minority groups.
- The Steeple Grange Light Railway Company Ltd has no objection and is supportive of enhancing the tourism and recreational offer in the area but this should be contained within existing buildings.
- If the proposal included marquees on the lower field would be a concern due to visitors accessing the Railway land over a low wall and a fence should be erected to prevent this.
- The proposed additional car parking adjacent to Railway land should be formalised with a protective barrier as there is a sheer drop over the boundary and all parking contained within the site.
- The work Mount Cook does for schools, charities and youth groups is invaluable and many locals send their children there for wonderful outdoor adventures.

Councillor Ratcliffe

- 6.3 Councillor Ratcliffe states that since the original permissions were given there has been an intensification of use and further development, for example the rope courses. Whilst they are in keeping with the purpose of the centre it has created concerns for residents on Steeple Grange and Bolehill regarding noise disturbance. Meetings between Mount Cook Management and the residents have taken place to try to mitigate impacts and increased noise and activity should be considered as part of this application. A recent application for the citing of an outdoor activity until resulted on its relocation due to local concerns. There is a perception that the centre which was originally planned as a not-for-profit youth activity venture has become a commercially based enterprise.

The current application seeks to widen the diversity of activity and encompass group events that may well extend into the late night and early morning thereby having the possibility of a strong anti-social effect of noise and disruption for neighbouring properties. Events such as weddings and parties can be problematic when characterised by singing and amplified music which in turn of necessity demand a vigorous noise management plan with staff resources and monitoring. Residents in the locality need to be reassured that management resources are in place to effectivity monitor and prevent any further unacceptable noise intrusion. Activity should be contained within the existing buildings with the use of outside marquees being resisted. All windows should be closed at a reasonable time to prevent noise extrusion. Outside monitoring should be available and clear levels of acceptable noise should be defined and the gathering of outside groups resisted and controlled.

7 OFFICER APPRAISAL

- 7.1 The following material planning issues are relevant to this application:
- Principle of development
 - Impact on residential amenity
 - Highway safety

Principle of development

- 7.2 The original application (14/00891/FUL) was granted in July 2015. The activity centre opened in July 2016 and during the last 3 years has developed significantly with further permissions for associated developments including camping pods, zip wire ride and high and low ropes climbing courses. Mount Cook Adventure Centre is a facility providing outdoor activity days and residential trips for groups of young people which accommodates 174 beds, a cafeteria, indoor and outdoor activity and learning spaces, conference / meeting rooms and outdoor camping and pods. There are 12 permanent staff and up to 20 additional staff in total during the busier summer months. The groups typically come via organisations such as schools, colleges, The Princes Trust and the National Citizen Service, arriving by coach between Mondays and Fridays between the months of April and October. Peak operation levels coincide with school summer and early autumn terms. At the weekends, during school holidays and over the winter, the centre is often under-utilised as most groups undertaking field activity and residential trips are schools which would not use the facility during these periods.
- 7.3 Complying with condition 32 restricts the activity at the centre and this proposal seeks to diversify to complementary uses of the building, namely weddings, birthday parties, corporate and adult training development, apprentice programmes, university external courses, primary and secondary school groups, revision and study days, summer camps, holiday camps, family or group bookings, adventure breaks and educational

courses outside of school term time and at weekends to make the best use of the facilities year-round.

- 7.4 Local Plan Policy S1 states that all developments should seek to make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area. This will be achieved by making efficient use of land by optimising the use of sites whilst also reflecting the character, accessibility and infrastructure capacity of the area.
- 7.5 The site is located within the countryside, therefore Local Plan Policy S4 relating to development in the countryside is relevant. This states that planning permission will be granted for development where:- it represents sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities; it comprises rural employment development (commercial enterprises) and it will have a safe access and will not generate traffic which cumulatively would cause severe impacts.
- 7.6 Policy EC1 is supportive of proposals for new or expansion of existing business or industrial development in sustainable locations that contribute towards the creation and retention of a wide range of jobs, an increase in higher value employment opportunities and training provision locally in order to enhance the economic base of the Plan area, through encouraging the redevelopment, intensification and more efficient use of existing sites where they are either not fully utilised or unsuited to modern employment requirements, particularly those sites located within or serving the Market Towns and those with good access by a variety of transport modes, supporting visitor-based service sector jobs within the local tourism industry and ensuring that sites proposed for mixed use redevelopment provide for at least the same or an increase in the level of job opportunities as existed when the employment space was previously used, subject to viability and site specific circumstances.
- 7.7 Policy EC8 deals specifically with promoting Peak District Tourism and Culture and aligns with national guidance (contained within the NPPF) with regard to sustainable tourism and advises that the District Council will support the development of Peak District tourism and culture by supporting and supplementing the tourism offer of the Peak District National Park, supporting tourism and provision for visitors which is appropriate to the settlements and countryside and consistent with environmental objectives, retaining and enhancing existing serviced accommodation in towns and villages and supporting the provision of new serviced accommodation particularly hotel accommodation in order to encourage overnight visitor stays, maintaining and where possible enhancing existing tourist, visitor cultural and recreational facilities and encouraging the provision of new visitor and cultural attractions and facilities that expand the breadth and quality of the tourism offer without prejudice to the character of the Peak District amongst other objectives.
- 7.8 The original assessment in respect of application code ref. 14/00891/FUL considered that the building, despite being located outside of the defined settlement framework was sustainably located in terms of its proximity to Wirksworth, a main market town within the Derbyshire Dales district with a wide range of services and facilities. The supporting information states that without the proposed 'complementary ancillary uses' it is unlikely that the facility will become financially self-supporting. The proposal would comprise of the sustainable growth of an existing tourist facility resulting in fully utilising the activity centre and generating rural employment. It would enhance the tourist offer of the area through this unique facility with an ethos of environmental protection, in accordance with Local Plan Policies S1, S4, EC1 and EC8.

Impact on Residential Amenity

- 7.9 Policy PD1 requires development achieves a satisfactory relationship to adjacent development in relation to visual intrusion, overlooking, shadowing and overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. Paragraph 180 of the NPPF states that development should be appropriate for its location taking into account cumulative effects through mitigation and reduction and limiting the impact of light pollution.
- 7.10 As the building is prominently located within the landscape, the complementary uses would need to be contained within the existing building and it is considered necessary to restrict noise levels within the building itself and use of the outside areas in order to protect the amenity of residents nearby. The nearest properties are located to the east on Malthouse Close and Steeple Grange at a lower land level than the site and screened by woodland together with White House on Porter Lane opposite the access. A Noise Management Plan has been submitted with the application which includes the following sound control measures: control of lobby area, windows and doors remaining closed during the playing of amplified music (restricting outside area to the green area until 23:00), music levels limited to 96 dB(Z) at a 30m distance with music ceasing at 00:00 Sunday to Thursday and 01:00 on Friday and Saturdays. These measures shall be secured by condition together with a restriction to prevent any associated structures (such as marquees etc. within the grounds of the building) to protect residential amenity and the local landscape / character and appearance of the area. These restrictive conditions shall include a requirement for Mount Cook Staff to manage these exclusive events. Whilst, it is for the Mount Cook Management to adhere to the conditions as part of this permission and would be subject to enforcement investigation and action if found to be in breach, Environmental Health have powers under the Environmental Protection Act 1990 to control noise so that it accords with 'statutory nuisance' criteria.
- 7.11 In this case, it is considered that the complementary uses proposed can be adequately controlled by conditions to sufficiently mitigate any noise impacts to protect the amenity of neighbouring properties. A condition to control any additional outside lighting at the centre is also considered necessary to avoid light pollution in the additional car parking areas for amenity and ecological reasons. Subject to this mitigation secured through conditions the proposal is considered to accord with Local Plan Policies PD1 and PD3.

Highway Safety

- 7.12 Local Plan Policy HC19 seeks to ensure development can be safely accessed and would not lead to an increase in on-street parking to the detriment of the safe and efficient operation of the highway network.
- 7.13 Having regard to the reasons for condition 32 one of the main issues that will require consideration is the impact of the proposed uses on highway safety. A Highway Statement has been submitted which details the existing parking occupancy data and estimates that the proposed events would generate between 80-100 vehicles with some coach drop offs. It also confirms that for weddings, parties or events the centre would be booked for exclusive use. The Local Highway Authority have indicated that provided the access improvements that were secured in respect of application code ref. 14/00891/FUL have been carried out in full and the 89 additional informal event parking space contained within the site together with the 7 formal spaces are considered adequate in order to accommodate any additional vehicle movements generated. They consider that a condition should restrict that each event should be booked for exclusive use only and these additional uses should remain ancillary to the main use as an activity centre. The proposal is therefore in accordance with Local Plan Policy HC19.

Summary

7.14 In summary, the proposed change to condition 32 would fully utilise this existing facility, increase its tourism offer and ensure its ongoing viability and associated economic benefits. Any impacts in relation to the environment, including residential amenity and highway safety can be sufficiently mitigated by suitably worded conditions. A recommendation of approval is put forward on this basis.

8 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. The development shall be maintained in accordance with the following amended plans:
Amended location plan 2014-1960-81 Rev B received 17.01.20
Amended ground floor plan 2014-1960-08 Rev E received 15.04.15
Amended first floor plan 2014-1960-09 Rev E received 15.04.15
Amended elevations plan 2014-1960-10 Rev E received 15.04.15
Amended plan site section and elevation 2014-1960-25 received 15.04.15
Amended proposed site /block plan 2014-1960-11 Rev d received 15.04.15

Reason: For the avoidance of doubt.

2. All soft landscaping comprised in the approved details of landscaping on plan no. 2014-1960-72 Rev E received on the 18th June 2018 shall be retained. 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 be maintained in accordance with the approved details.

Reason:

To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

3. Works shall be completed in accordance with the all the recommendations of the Remediation Method Statement from Hydrock dated May 2015 ref: R/14883/003 received 13.05.15.

Reason:

To ensure appropriate remediation of the potential contaminants on the site in accordance with guidance contained within the National Planning Policy Framework.

4. The site shall be managed and maintained in accordance with the approved landscape and ecological management plan (LEMP) by Sammons Architectural received on the 19th July 2016 to ensure the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason:

To ensure appropriate long term management of the site in the interests of visual amenity and ecology in accordance with Policies PD1, PD3 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework.

5. No development shall take place other than in accordance with the archaeological written scheme of investigation by Archaeological Research Services Ltd report No. 2017/43.

Reason:

To ensure protection of any archaeological evidence in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

6. The on-site surface water drainage systems detailed in the Maintenance and Management of the SUDS Drainage Scheme document ref 13023 received on the 19th July 2016 shall be maintained and managed in perpetuity to ensure long term operation at the designed parameters.

Reason:

These conditions aim to prevent on increased risk of flooding both elsewhere and on this particular site while also improving water quality, improving habitat and amenity and ensuring the future maintenance of the sustainable drainage structures in accordance with Policy PD8 of the Adopted Derbyshire Dales Local Plan (2017).

7. The access shall be maintained as granted under the 14/00891/FUL permission with minimum 2.4m x 91m visibility sightlines in each direction, the area in advance of the sightlines remaining free from any obstructions to visibility (objects or vegetation) over 300mm in height, relative to the nearside carriageway channel level.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

8. The access to the development site (from the private access road) shall be maintained in accordance with the approved details for the life of the development.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

9. The centre shall not be used for the additional uses hereby permitted until the informal event parking has been provided within the application site in accordance with the application drawing 2014-1960-81 Rev B received on the 17th January 2020 for the parking and manoeuvring of visitors. The informal event parking shall be laid out, surfaced, marked in accordance with details first submitted and approved in writing by the Local Planning Authority and only be utilised during the events and kept free of parking at all other times. The informal event parking shall be maintained throughout the life of the development free from any impediment to its designated use.

Reason:

In the interests of highway safety and the character and appearance of the area in accordance with Policies PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

10. There shall be no gates, or any part of their opening arc, within 7.5m of the highway boundary. Any gates should be set back or open into the site only.

Reason:

In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).

11. Any additional external lighting for the proposed informal event parking shall be submitted to and approved in writing by the Local Planning Authority. The information shall include precise details of the intensity, direction, spread of luminance and shielding of light sources

(so as to minimise the risk of drivers on the highway being dazzled), and shall be maintained in accordance with the approved details thereafter.

Reason:

In the interests of highway safety and ecology in accordance with Policies HC19 and PD3 of the Adopted Derbyshire Dales Local Plan (2017).

12. The approved Travel Plan shall be monitored and reviewed in accordance with the agreed travel Plan Targets.

Reason:

In the interests of highway safety in accordance with Policy HC20 of the Adopted Derbyshire Dales Local Plan (2017).

13. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), this permission shall relate to the main use of the land and buildings for residential activity and field centre during weekdays in term times between the months of April and October with complimentary uses such as weddings, birthday parties, corporate and adult training development, apprentices' programmes, university external courses, primary and secondary school groups, revision and study days, summer camps, holiday camps, family and group bookings, adventure breaks, educational breaks taking place during weekends, school holidays between the months of November to March with no other uses being permitted including any other activity within the same class of the schedule to that Order.

Reason:

To ensure the Local Planning Authority retains control over the uses of the building due to the sensitive nature of the site and the impacts in terms of highway safety and residential amenity in accordance with Policies HC19 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework.

14. In relation to the complimentary uses detailed in condition 13 above, for each event the centre shall be booked for exclusive use only and these uses shall remain ancillary to the main use of the centre for residential activity and field centre.

Reason:

To ensure the Local Planning Authority retains control over the uses of the building due to the sensitive nature of the site and the impacts in terms of highway safety and residential amenity in accordance with Policies HC19 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained within the National Planning Policy Framework.

15. The use of the premises for events shall be operated in accordance with the submitted Noise Management Plan and Noise Assessment Ground Floor Plan No. 2014-1960-82 and amplified music to cease at 00:00 Sunday to Thursday and 01:00 Friday to Saturday, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

16. All the ancillary activities hereby permitted that take place at the premises and in the outside areas associated shall be supervised by at least one member of staff to monitor and manage the events and other than overnight camping activities, all activities in the outside area shall

start no earlier than 6am and shall cease on or before 8pm daily (apart from the area in green detailed in the Noise Management Plan) and any structure or apparatus shall be removed from the site and packed away overnight.

Reason:

In the interests of residential amenity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

17. No associated structures for the ancillary uses detailed in condition 13 (such as marquees etc.) shall be erected within the grounds of the building.

Reason:

To protect residential amenity and the local landscape / character and appearance of the area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9 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 noise and car parking.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

The application site is affected by a public Right of Way (Footpath/ Bridleway numbers 2 & 3, 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 01629 533190 for further information and an application form.

Footpath notes:

- The route must remain open and on its legal alignment at all times
- There should be no disturbance to the surface of the path without prior authorisation from the Rights of Way Inspector for the area
- Consideration should be given to members of the public using the path at all times
- A temporary closure of the footpath may be granted to facilitate public safety during construction phase subject to certain conditions. Further information may be obtained by contacting the Rights of Way section (DCC). The applicant should be made aware that at least 5 weeks' notice if required to process the closure and an alternative route should be provided if possible
- If a structure is to be erected adjacent to the public footpath, it should be installed within the site boundary so that the width of the right of way is not encroached upon.

This Decision Notice relates to the following documents:

Amended location plan 2014-1960-81 Rev B received 17.01.20
Amended ground floor plan 2014-1960-08 Rev E received 15.04.15
Amended first floor plan 2014-1960-09 Rev E received 15.04.15
Amended elevations plan 2014-1960-10 Rev E received 15.04.15
Amended plan site section and elevation 2014-1960-25 received 15.04.15
Amended proposed site /block plan 2014-1960-11 Rev d received 15.04.15
Remediation Method Statement dated May 2015 received 13.05.15
Transport technical note response to DCC highways received 08.05.15
Travel Plan
Letters from Sammons regarding materials received 15.05. 15
Email from R Gilman at Sammons regarding materials received 15.05.15
Design and access statement
Letter from ML-ecology regarding great crested newts received 15.04.15
Existing site plan 2014-1960-14
Flood risk assessment and drainage strategy received 02.03.15
Extended phase one habitat survey received 29.12.14
Transport assessment received 29.12.14
Historic environment desk based assessment by ARS Ltd dated October 2014 received 16.01.15
Arboricultural report ref THL-R14/126
Noise Management Plan and Noise Assessment Ground Floor Plan No. 2014-1960-82

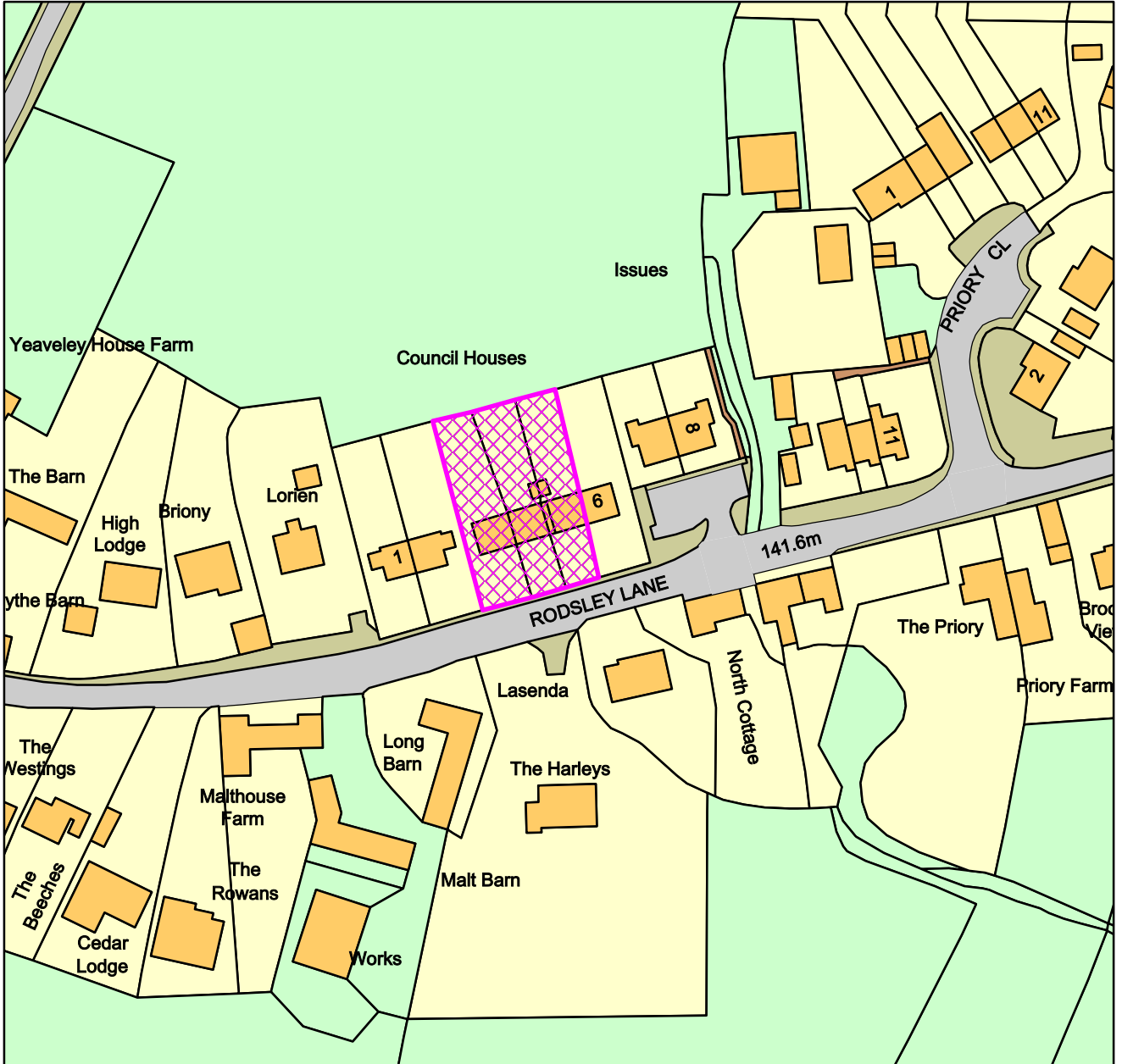
APPLICATION NUMBER		19/01355/FUL	
SITE ADDRESS:		3 to 5 Rodsley Lane, Yeaveley, Derbyshire, DE6 2DT	
DESCRIPTION OF DEVELOPMENT		Formation of accesses and off street parking areas	
CASE OFFICER	Joseph Baldwin	APPLICANT	Mr and Mrs Millward
PARISH/TOWN	Yeaveley	AGENT	Mr J. Imber
WARD MEMBER(S)	Cllr A. Morley	DETERMINATION TARGET	18/03/2020
REASON FOR DETERMINATION BY COMMITTEE	At the request of Ward Councillor	REASON FOR SITE VISIT (IF APPLICABLE)	To enable Members to assess the impact of the development on the character and appearance of its surroundings

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Impact on the Character and Appearance of the Area - Highway Safety

RECOMMENDATION
Refusal

19/01355/FUL

3 - 5 Rodsley Lane, Yeaveley



Derbyshire Dales DC

1:1,250

Date: 20/02/2020

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 site is located on the northern side of Rodsley Lane in the centre of Yeaveley. The application properties comprise 3 no. terraced dwellings, which are set back from the highway behind an existing boundary hedge and front lawn area. The adjacent property, 6 Rodsley Lane, has previously been granted permission in 2018 for the removal of the boundary hedge and creation of a car parking area for two vehicles (under application code ref. 18/00332/FUL) at planning committee, contrary to officer recommendation.



2 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the removal of 20m (approximately) of existing roadside boundary hedgerow and the formation of new access and vehicular parking to 3, 4 and 5 Rodsley Lane. In order to create the parking spaces, an area of hardstanding, some 6m deep will be formed within the front gardens of the respective properties. The rear of the car parking area would be retained by a red brick retaining wall and a new hedge with planting beds behind.

3 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2005)
S4: Development in the Countryside
PD1: Design and Place Making
HC19: Accessibility and Transport
2. National Planning Policy Framework (2019)
National Planning Practice Guidance

4 RELEVANT PLANNING HISTORY:

18/00332/FUL Formation of access and parking at 6 Rodsley Lane Granted

5 CONSULTATION RESPONSES

Local Highway Authority (Derbyshire County Council)

- 5.1 In line with the highway comments provided for a similar application at no. 6 Rodsley Lane (17/00909) to which there were no highway objections, there remain no highway objections to this latest application subject to conditions.

6 REPRESENTATIONS RECEIVED

- 6.1 None received.

7 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Impact on the character and appearance of the area
 - Highway safety
- 7.1 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development to be well designed and to respect the character, identity and context of townscapes and landscapes and to contribute positively to an areas character, history and identity, particularly in relation to landscape features.
- 7.2 Despite the removal of a small section of the boundary hedge following the implementation of application code ref. 18/00332/FUL at 6 Rodsley Lane, the remaining hedge and landscaping to the front of the application properties are considered to contribute significantly to the rural character of the area and Yeaveley as a whole. Significant concerns were raised during the consideration of the application at 6 Rodsley Lane that the removal of a section of hedge and creation of a tarmac parking area to the front of the property would have a harmful and urbanising effect on the character of the settlement. The current proposal would remove a further 20m (approximate) of hedge and result in development extending 6m into the front garden of each dwelling which is considered to result in further significant loss and deterioration of the rural character of the area contrary to policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).
- 7.3 The application documents refer to the applicant's ability to remove this section of hedge without the need to apply for permission. However, this is often the case with soft landscaping that does not receive protection under the planning legislation. Notwithstanding this, the creation of a vehicular access onto a classified road and associated engineering works to form the parking areas does require planning permission and it is entirely reasonable for the Local Planning Authority to have regard to the contribution the existing scenario makes to the rural character and identity of the area in reaching a balanced decision.
- 7.4 Subject to conditions, the Local Highway Authority have raised no concerns with the proposal. The proposal would provide two designated parking spaces to each dwelling however, as was highlighted in the application at 6 Rodsley Lane, there appears to be sufficient on street parking available to the front of the properties. Although the desire of the applicants to have off street parking within the curtilage of their properties is appreciated, there is not a sufficiently compelling justification to warrant the significant harm the character of this part of the village that would result following the removal of the existing boundary hedge and large amounts of the front gardens to these properties. On this basis, it is recommended that the application be refused.

8 RECOMMENDATION

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

The development involves the removal of a substantial length of the roadside boundary hedge and significant excavation of their front gardens to accommodate the parking spaces. The roadside hedge is an important component of this part of Rodsley Lane and the works would have a harmful, urbanising effect that would be detrimental to the rural character and appearance of this part of the village, contrary to Policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9 NOTES TO APPLICANT:

The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through

negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

This decision notice relates to the following documents:

Supporting Statement (06/01/2020)

Site Location Plan – 1:1250 (06/01/2019)

Block Plan - 1:500 (06/01/2020)

Plans as Existing – 1:100 (06/01/2020)

Plans as Proposed – 1:100 (06/01/2020)

Ashbourne North

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/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/19/00082	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/20/00003	Installation of solar panels to roof	13 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration

Ashbourne South

ENF/17/00038	Unauthorised works to listed building	Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE	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/18/00222	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/19/00040	Breach of Condition 10 (Construction Management Plan) of planning permission 15/00060/OUT	Land Off Lathkill Drive Ashbourne Derbyshire	Pending Consideration
ENF/19/00114	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/18/00138	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/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/18/00013	Building not built in accordance with approved plans	Mulino Lodge Agnes Meadow Lane Kniveton Derbyshire DE6 1JR	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/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/19/00096	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/19/00148	Unauthorised erection of Car Port.	Henmore Grange Main Street Hopton Derbyshire DE4 4DF	Pending Consideration

Clifton And Bradley

ENF/19/00159	Formation of a new access off a Classified Road	The Flatts Wyaston Road Ashbourne Derbyshire	Pending Consideration
ENF/20/00005	Clearance of hedgerow at 'The Firs' residential development and erection of fence - Related planning applications 16/00340/OUT and 18/00699/REM	Land At The Firs Main Road Wyaston Derbyshire DE6 2DR	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/18/00160	The material change of use of the land, edged blue on the attached plan, for the stationing of a shepherds hut for the purposes of human habitation as holiday accommodation with associated hard surfacing and siting of hot tub	Oakstone Farm Old Hackney Lane Hackney Derbyshire DE4 2QJ	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

Doveridge And Sudbury

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
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ENF/20/00010	Change of use of land to site a crane and condition 4 (landscaping works to screen mounding) of planning permission 11/00806/FUL not fully implemented	Steve Foster Crane Hire Units 1 To 3 Derby Road Doveridge Derbyshire DE6 5JU	Pending Consideration
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Hulland

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/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/18/00206	Unauthorised use of site for wood processing and storage	Poplars Farm Belper Road Hulland Ward Derbyshire DE6 3ED	Pending Consideration
ENF/19/00106	Unauthorised engineering works including the creation and extension of a new access, the re-surfacing of an access track and the excavation of new footings around the existing hay barn, on land opposite Hulland Grange, Upper Lane, Hulland Ward.	Hay Barn Upper Lane Hulland Ward Derbyshire	Pending Consideration
ENF/20/00014	Breach of condition 11 (hard and soft landscaping scheme) of planning permission 18/01237/REM - Removal of existing hedging	Land East Of Les Ardennes Hulland Ward Derbyshire	Pending Consideration

Masson

ENF/15/00054	Unauthorised alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/17/00022	Erection of two wooden sheds.	The Cottage Puddle Hill Bonsall Derbyshire DE4 2BA	Notice Issued
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/18/00077	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	The painting of the shopfront with a paint colour that is not approved under the Matlock Bath Conservation Area Article 4 Direction	196-198 South Parade Matlock Bath Derbyshire DE4 3NR	Notice Issued
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/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	13/14/15/16 Alabaster Lane Cromford Derbyshire DE4 3QJ	Pending Consideration
ENF/19/00139	Breach of Conditions - Use of premises as a hotel without compliance with conditions 2, 4, 6 and 7 of planning permission 17/01012/FUL and conditions 2, 3, 6, 7 and 8 of listed building consent 17/01013/LBALT	Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY	Pending Consideration

Matlock All Saints

ENF/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Notice Issued
ENF/19/00044	Erection of verandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	Notice Issued
ENF/19/00091	Alleged change of use of Band Hall to business/domestic storage facility	Hall Jackson Road Matlock Derbyshire	Notice Issued
ENF/20/00021	Unauthorised erection of single storey office building.	Ashworth Car Sales 15 Bakewell Road Matlock Derbyshire DE4 3AU	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/18/00162	Unauthorised tipping of materials/stone	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Notice Issued
ENF/18/00178	The development is not in accordance with the approved plans.		Pending Consideration
ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Notice Issued
ENF/19/00129	Development not lawfully commenced - Failure to discharge pre-commencement conditions of planning permission 13/00067/FUL (Redevelopment of site to provide extended car parking area)	The Old Mill Nottingham Road Tansley Matlock Derbyshire DE4 5FD	Pending Consideration
ENF/20/00012	Unauthorised erection of garage within the domestic curtilage	20 Lynholmes Rise Matlock Derbyshire DE4 3DX	Pending Consideration

Norbury

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/17/00156	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/18/00142	Siting of shipping container	Land Off Rodsley Lane Yeaveley Derbyshire	Pending Consideration
ENF/19/00034	Erection of Building	The Orchard Audishaw Lane Boylestone Derbyshire	Notice Issued
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/20/00006	Change of use of land to use for the stationing of caravans for the purposes of human habitation with associated engineering works (4 no. pitches accommodating a total of 5 no. mobile homes, 8 no. touring caravans and 4 no. amenity buildings)	Land East Of Grove Lane Somersal Herbert Derbyshire	Pending Consideration

ENF/20/00018	Unauthorised change of use of garage block to independent dwelling	Coton Wood Lodge Muse Lane Boylestone Derbyshire DE6 5AB	Pending Consideration
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Winster And South Darley

ENF/20/00016	Construction of storage buildings approved under application code ref. 19/00525/FUL using corugated steel sheets to the walls finished in an unauthorised off white colour	H J Enthoven And Sons Darley Dale Smelter Oldfield Lane Warren Carr Derbyshire DE4 2LP	Pending Consideration
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Wirksworth

ENF/17/00002	Unauthorised engineering operations to create a raised area	11 New Road Bolehill Derbyshire DE4 4GL	Pending Consideration
ENF/17/00018	Unauthorised works to remove a fire surround in a Grade II Listed Building.	Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/17/00023	Breach of conditions on planning permission 14/00891/FUL	Mount Cook Adventure Centre Porter Lane Middleton By Wirksworth Derbyshire DE4 4LS	Pending Consideration
ENF/17/00051	Unauthorised change of use of garage/store to beauty studio.	The Mews 3 Wirksworth Hall Farm Wash Green Wirksworth Derbyshire DE4 4FD	Pending Consideration
ENF/18/00126	Removal of front wall and erection of ply wood replacement	Kenwood Cottage Wash Green Wirksworth Derbyshire DE4 4FD	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/19/00004	Installation of hot tub to front of property	Stowe Cottage 4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/19/00059	Without planning permission the stationing of a caravan on the land for the purposes of human habitation	Land To East Of Kings Lot Wood Longway Bank Whatstandwell Derbyshire	Notice Issued
ENF/19/00140	Engineering works to garden area	Fountain House 13 Main Street Middleton By Wirksworth Derbyshire DE4 4LQ	Pending Consideration
ENF/20/00008	Unauthorised ground works to facilitate a car park and large plant training area.	Land To The North Of Jacksons Ley And Porter Lane Middleton By Wirksworth Derbyshire	Pending Consideration

Total Open Cases

77

Enforcement Investigations Closed

In the Month Prior to 20/02/2020



Ashbourne South

ENF/18/00207	Breach of Condition 13 (Wheel Washing) of Planning Permission 17/01248/REM	Land North East Of Lathkill Drive Ashbourne Derbyshire	Justification from Officer	03/02/2020
ENF/19/00145	Breach of condition 7 (installation of vehicular and pedestrian access), condition 2 (permission subject to revised plans) and condition 10 (siting of chimney stack) of planning permission 18/00568/FUL - Erection of a dwellinghouse	52 Derby Road Ashbourne Derbyshire DE6 1BH	Planning Application Received	20/01/2020

Darley Dale

ENF/18/00219	Siting of Caravans and Tents at Ameycroft, Farley Hill	Ameycroft Farm Farley Hill Farley Derbyshire DE4 5LR	Appeal Allowed	17/02/2020
ENF/19/00068	Dwelling not being built in accordance with planning permission 17/00809/FUL	Rear Of Sunnyside Terrace Farley Hill Matlock Derbyshire	Appeal Allowed	17/02/2020

Hulland

ENF/20/00009	Alleged unauthorised erection of fence along boundary .	Land Between Blackwall Side And Rose Cottage Main Road Hulland Ward Derbyshire DE6 3EA	Complaint Unfounded	24/01/2020
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Masson

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	Planning Application Received	17/02/2020
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	Not in the Public interest to pursue	13/02/2020

Matlock St Giles

ENF/18/00099	Piling of soil and materials	Land And Barn At The Corner Of Thatchers Lane And Alders Lane Tansley Derbyshire	Complied Voluntarily	17/02/2020
ENF/18/00171	Alterations to access to the A615	Hill Top Farm Alfreton Road The Cliff Tansley Derbyshire DE4 5JU	Planning Application Received	07/02/2020
ENF/18/00213	Erection of front porch	7 The Rocks Tansley Derbyshire DE4 5ES	Planning Application Received	11/02/2020

NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 3rd March 2020

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
19/00707/FUL	Mulino Lodge, Agnes Meadow Lane, Kniveton	WR	Appeal dismissed – a copy of the appeal decision attached
19/00554/FUL	Old Barn, Riggs Lane, Marston Montgomery	HOUSE	Appeal being processed
19/00423/FUL	North Farm, North Lane, Brailsford	WR	Appeal being processed
19/00657/FUL	Darley Hillside Methodist Church, Moor Lane, Darley Dale	WR	Appeal being processed
19/00674/FUL	Blackbrook Lodge Caravan and Camp Site, Intakes Lane, Turnditch	WR	Appeal being processed
19/00793/FUL	Land to the rear of Ash Tree Farm, Spend Lane, Ashbourne	WR	Appeal being processed
19/01090/FUL	Keepers Field, Bullhill Lane off Hill Cliff Lane, Ireton Wood	WR	Appeal being processed
19/00964/FUL	Cottage Farm, Longford Lane, Longford	HOUSE	Appeal being processed
Central			
19/00148/OUT	Penzer House, Dale Road South, Matlock	WR	Appeal being processed
18/00687/CLPUD	Building at Back Lane, Two Dales, Matlock, DE4 5LP	WR	Appeal being processed
19/00722/FUL	Rear of Sunnyside Terrace, Farley Hill, Farley, Matlock	WR	Appeal allowed – a copy of the appeal decision attached

ENF/19/00059	Land to the east of Kings Lot Wood, Longway Bank, Whatstandwell	WR	Enforcement notice quashed – a copy of the decision attached
19/00442/OUT	The Chalet Bungalow, Butts Drive, Matlock	WR	Appeal allowed – a copy of the appeal decision attached
18/01175/FUL	Mooredge Farm, Knabb Hall Lane, Tansley	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 20 January 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2020

Appeal Ref: APP/P1045/W/19/3239428

Mulino Lodge, Agnes Meadow Lane, Kniveton, Ashbourne DE6 1JR

- 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 C G Barks and Mr A P Cousins against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00707/FUL, dated 17 June 2019, was refused by notice dated 14 August 2019.
 - The development proposed is the retention of lodge and use of former farm office building as farm holiday accommodation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is whether or not the proposal would represent a suitable site for tourism development, having regard to the principles of sustainable development and the character and appearance of the area.

Reasons

3. The appeal site is located at the top of a hillside in the open countryside between the villages of Kniveton and Atlow. The proposal seeks to retain two existing log cabin structures that previously formed the temporary agricultural workers dwelling and farm office prior to the permanent farmhouse being constructed. The associated agricultural business is a mixed livestock enterprise. Whilst its main base is at Mulino Lodge, it also has a number of other landholdings in the wider area.
4. The log cabins are located to one side of the farmhouse, with the farmyard and agricultural buildings to the rear behind an area of landscaping. It is proposed to use the buildings as holiday accommodation, with the former office building being used as an ancillary living space for the main accommodation. This additional unit would supplement 3 existing glamping pods on the farm. The appellant has stated that the income from the additional unit would partly replace income lost from the Basic Payment Scheme (BPS) which is expected to be phased out over the next few years.
5. Policy S4 of the *Derbyshire Dales Local Plan (adopted December 2017)* (DDLPL) sets out the types of developments that may be considered acceptable in the open countryside. These include proposals for agriculture and related developments which help to sustain existing agricultural and other rural based

enterprises, including small scale farm shops selling local produce, complementary farm diversification, and new agricultural buildings that maintain the landscape quality and character of the countryside.

Policy EC10

6. More detailed guidance on farm diversification is found in Policy EC10 of the DDLP. This indicates that farm diversification schemes should support rather than replace or prejudice farming activities on the rest of the farm. It is not disputed that holiday accommodation can be an appropriate and acceptable form of diversifying a farm enterprise.
7. The cabins are modest in size and only occupy a small area of land. Whilst this may have originally been part of the adjacent field and could be returned to such, its limited size means that its use for holiday accommodation would have no material impact on the amount of livestock that could be kept. As such, in terms of its physical scale, the proposal, either on its own or in combination with the pods, would not prejudice the main farming activity.
8. However, as the supporting text to the policy explains, diversification projects should be secondary activities in terms of their financial contribution to the business. The appellant has provided a basic financial forecast for the additional unit which suggests that it would make a profit of around £3,500 per annum. However, no information has been provided to show the income generated from the existing holiday accommodation, or the overall farm income. As a result, the scale of the financial contribution the holiday accommodation makes to the business cannot be assessed. Nor can the impact that the additional unit might have on this be seen.
9. Therefore, it cannot be established whether the proposal, together with the existing pods, would mean that the holiday accommodation remains a secondary element supplementing and diversifying the main livestock enterprise or whether the holiday accommodation would become the primary source of income. Thus, even though the financial contribution the appeal proposal on its own would make may be limited, in the absence of this further information, it has not been shown that the holiday accommodation would continue to represent an appropriate form of farm diversification. Thus, it would not accord with Policy EC10.

Policy EC9

10. Aside from farm diversification DDLP Policy S4 also supports the sustainable growth of tourism and other rural based enterprises in sustainable locations where identified needs are not met by existing facilities. Criteria for assessing holiday chalet, caravan and campsite developments are provided by Policy EC9.
11. Criterion (a) is that the development would not have a prominent or adverse impact on the character and appearance of the immediate or wider landscape and criterion (b) requires that any visual impact would be well screened by existing landscape features from areas outside the site to which the public have access for the whole of the proposed operating season.
12. The Council have indicated that the landscape is characterised as “Wooded Slopes and Valleys” landscape type of the “Derbyshire Peak Fringe and Lower Derwent” landscape character area. The immediate area shows many of the typical features of this landscape including: upland undulating land; densely

- scattered hedgerow trees; permanent pasture for sheep and cattle; and irregular field boundaries bounded by mixed species hedgerows.
13. The development of this farm enterprise has inevitably changed the character of the immediate area that was originally agricultural fields. However, scattered farmsteads are a feature of the rural landscape, and the vegetation planted around the buildings not only helps to screen the buildings but complements the scattered hedgerow trees found on the hillside.
 14. Whilst the site has panoramic views to the east, the topography is such there are no views of the log cabins when approaching the site from the west. Moreover, in the medium and long-range views that are possible from public vantage points across the valley to the east, I observed that, even in winter when vegetation cover was more limited, the cabins were barely discernible. A fact confirmed by the local Parish Council, and in comments made by local residents.
 15. I accept that, although wooden agricultural buildings are relatively common features, the log cabins are not typical of buildings in the area or on farmyards. Nevertheless, the farm complex consists entirely of modern buildings and the log cabins are not dissimilar in character to the glamping pods. Moreover, given their modest size and the limited views possible of them from anywhere other than the existing farm, I am satisfied that they are not prominent and do not have an adverse impact on the character and appearance of the landscape. In addition, the landscaping proposed as part of the appeal scheme would further reduce any visibility of them.
 16. Criterion (c) relates to on-site facilities but as none are proposed in this scheme it is not relevant. Nor do I consider that the proposal would have any adverse impact on the amenity, tranquillity or public enjoyment of any adjacent area as outlined in criterion (e).
 17. Criterion (d) indicates that sites for such developments should be in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycleways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services.
 18. Whilst there are a number of public rights of way in the vicinity of the site, it is otherwise in an isolated location. The nearest village is Kniveton which has a limited range of facilities, including some access to public transport, but this is significantly more than a 10 minute walk from the site, on roads that are unlit and without pavements. As such, whilst I note the appellant's views on the likelihood of people arriving by public transport and that for some visitors it is the remote location that makes the holiday accommodation on the site attractive, it is not in an accessible location and would not accord with this criterion.
 19. The appellant has outlined the sustainable approach to both their farming activities and the management of the holiday accommodation, including utilising their own renewable energy and water supplies and the provision of charging points for cars, recycling facilities and local produce for guests. They have also indicated the environmental and conservation benefits that their approach has brought including improving the soil quality, the restoration of dry stone walls and hedgerow planting and improvements. I note that other

options for increasing farm income to offset the loss of the BPS would undermine these environmental and conservation benefits. In addition, it is indicated that the proposal would create a part time job and I accept that spend by visitors would benefit the local economy. This would be in line with criterion (a) of Policy EC10.

20. These matters all contribute to sustainability goals, which I accept are much wider than just accessibility. Nevertheless, criterion (d) specifically requires schemes for holiday chalets, caravan and campsite developments have an accessible location. Although such a criterion is not included in Policy EC10 for farm diversification schemes, as outlined above, without the financial information to show that the holiday accommodation would still be a secondary part of the enterprise, the proposal would not accord with this policy.

Conclusion on main issue

21. Consequently, whilst I have found that the proposal would not have a detrimental impact on the character and appearance of the area, I consider that the site does not represent a suitable site for tourism development, having regard to the principles of sustainable development, as it would be contrary to Policies S4 and EC9 of the DDLP. For the reasons outlined above it would also conflict with DDLP Policy EC10. However, given my findings regarding the proposals impact on the character and appearance of the landscape, I do not consider the proposal is contrary to Policies PD1 or PD5 of the DDLP, that are also referred to in the reason for refusal, which require developments to have a high standard of design and to protect, enhance and restore the landscape character of the area.

Other matters

22. In support of the appeal my attention has been drawn to the fact that a total of 6 holiday units have been approved on what is said to be a similar sized livestock enterprise at Brassington. I do not know the full details of the circumstances that led to this proposal and so cannot be sure it represents a direct parallel to the appeal scheme, although the Council have indicated that it was approved before the new DDLP was adopted. In any case I have determined the appeal on its own merits and on the basis of the evidence submitted.
23. The appellant has suggested that under permitted development rights it is possible to provide up to 5 caravan or 10 camping pitches on the site, which would be more than the 4 holiday units they are proposing. However, any such proposal is not before me.

Conclusion

24. For the reasons set out above, I concluded the appeal should be dismissed.

Alison Partington

INSPECTOR



Appeal Decision

Site visit made on 21 November 2019

by **R Morgan MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2020

Appeal Ref: APP/P1045/W/19/3237333

Rear of Sunnyside Terrace, Farley Hill, Matlock DE4 5LT

- 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 M Slack against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00722/FUL, dated 17 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is a dwelling house – revised scheme to replace permission granted on appeal ref, 17/00809/FUL.
-

Decision

1. The appeal is allowed and planning permission is granted for a dwelling house at rear of Sunnyside Terrace, Farley Hill, Matlock in accordance with the terms of the application, Ref 19/00722/FUL, dated 17 June 2019, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mrs M Slack against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development on:
 - 1) the character and appearance of the area; and
 - 2) the living conditions of the occupiers of Sunnyside Terrace, with particular regard to outlook.

Reasons

4. This appeal concerns a new dwelling which has previously been granted planning permission on appeal¹. The site comprises an area of previously developed land at the rear of Sunnyside Terrace, which is in a countryside location on the edge of Matlock. The site is accessed via an access track off Farley Hill which is shared with neighbouring properties.
5. The appeal building is a dormer bungalow which is roughly L shaped in form. When I visited the site, the building was under construction. Although not completed, the walls, roof form and position of the window openings were

¹ Planning application ref 17/00809/FUL, Appeal ref APP/P1045/W/17/3189755

clearly apparent. This appeal has come about because the house has not been constructed in accordance with the approved plans.

6. The principle of the development has been established through the previous appeal. The key consideration for this appeal is, therefore, whether the additional footprint and height of the building, over and above that previously consented in application ref 17/00809/FUL, causes harm to the character and appearance of the area and to the living conditions of neighbouring occupiers on Sunnyside Terrace.

Character and appearance

7. In order to ascertain the difference between the approved plans and the dwelling as constructed, detailed measurements were taken by the Council in the presence of the appellant. The planning officer states in his report that the building is 0.4 metres wider and a further 1.7 metres in depth. The height of the building to the ridge has been increased by around 0.2 metres.
8. In addition to the above, the Council contends that the finished floor level of the building has been raised by up to 0.5 metres above the original ground level, so that there is an overall increase in height of 0.7 metres. The appellant has confirmed that the site has a slight slope towards the south and has said that the rear elevation will be approximately at previous ground level, but the southern (front) elevation the floor level will be about 0.35 metres above the original ground level.
9. Notwithstanding that, the finished floor levels were not specified in the approved plans and the need to ensure a completely level site would have been the same if the scheme had been constructed as originally approved. Any increase in the height of the building resulting from increased ground levels do not represent deviations from the permitted scheme. As such, I have given this matter limited weight in this appeal.
10. The Council is concerned that the increase in the height and massing of the building has resulted in overdevelopment of the site. I understand the frustration of the Council and third parties that the building has not been constructed in accordance with the approved plans. However, the additional height compared with the approved plans is 0.2 metres, which is not a significant increase. Any increased massing resulting from the slightly raised ground level at the front of the site would also have occurred under the approved scheme.
11. The increased dimensions of the elevations are also modest. I acknowledge that the building occupies a larger proportion of its plot than neighbouring houses, but sufficient amenity and parking space around the building are retained. Furthermore, the siting of the building has changed within the plot so that it is now slightly further away from the backs of the properties on Sunnyside Terrace. Although now closer to the stables, the difference in height, roof plane and materials mean that the house and stables would still appear as distinct buildings.
12. The site is in an elevated position within an open, rolling landscape, and the building is visible from a number of vantage points. However, the impact of the changes from the approved scheme are not significant in terms of the wider views. The house is seen within the context of the properties which

immediately surround it and does not appear out of scale with its setting. It sits comfortably within the site and is considerably lower in height than the properties on Sunnyside Terrace.

13. As well as the changes to the dimensions of the house, alterations are also proposed to the windows on the rear (north) elevation, specifically the substitution of two patio doors with a single folding door and a change to the design of the large first floor window. These alterations are minor in nature and do not significantly affect the character of the building.
14. I note that the previous Inspector removed permitted development rights for extensions and alterations, having regard to the extent to which the building would fill the site and the proximity of the dwelling to the rear boundaries of properties along Sunnyside Terrace. However, the removal of permitted development rights cannot be taken as an indication that the dwelling is not capable of being enlarged or changed in any way, only that any extensions or alterations which are sought would need planning permission.
15. The changes have not resulted in the development appearing unduly cramped, nor are they of such a scale that the plot has become overdeveloped. I therefore conclude that the proposal does not cause harm to the character and appearance of the area. It complies with Policies S1 and S4 of the Derbyshire Dales Local Plan 2017 which require that developments conserve the intrinsic character and distinctiveness of the landscape.

Living conditions

16. The development has resulted in a new building on what was previously open ground, which is a significant change to the rear outlook from these properties. However, the back gardens of the properties on Sunnyside Terrace are fairly long and the planning officer's report notes that the building was originally proposed to be some 23 metres from the main rear elevations and around 30 metres from the nearest windows.
17. The previous Inspector took account of the separation distances, the juxtaposition and orientation of buildings and the height of the proposed dwelling. She concluded that the adjoining properties or gardens would not suffer significant loss of light or overlooking.
18. The house has been constructed some 0.5 metres to the east of the approved plan so is slightly further away from the properties on Sunnyside Terrace and closer to the adjacent stable. Although the western elevation is around 1.4 metres longer and the building is slightly higher, these changes are minor in the context of the overall building, and the increased distance from the properties on Sunnyside Terrace will help to limit any additional effect. The extent of these modest changes does not alter the previous Inspector's findings on this matter, nor do they result in unacceptable harm by way of overbearing impact.
19. I conclude on this issue that the proposal does not cause undue harm to the living conditions of the occupiers of Sunnyside Terrace, with particular regard to outlook. As such it complies with Policy PD1 which requires that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects.

Other matters

20. Various comments have been made relating to other developments and planning decisions in the area involving the same appellant. However, I have not been provided with any details of these and their relevance to this case is unclear. I have determined this appeal on its own merits.
21. I am content that the information submitted is adequate and is sufficient to enable me to determine the appeal. The Council has measured the building on site and further on-site measurements are not necessary.
22. I note comments about the size of the building compared with the scheme which was granted outline planning consent in 2017², however that is of limited relevance following the subsequent grant of planning permission on appeal in March 2018. The principle of the development has already established including its compliance with national and local planning policy. I have found that the scheme now before me, which involves minor changes to the previously approved scheme, complies with relevant policy.
23. Comments have been made about flood risk and surface water drainage. The previous Inspector found no basis for concluding that the proposal would result in a risk to flooding and I have no reason to conclude that the revised scheme would differ in this respect. Drainage of the site will need to meet the requirements of Building Regulations and the relevant water company.
24. Concerns have been raised about the impact of the larger house on highway matters including the size of the turning area, access in and out of the property, and the number of cars which could be associated with the house. I also note comments about the potential for intensification of the use of the access track and associated concerns about highway safety and impacts on the amenity of neighbours. However, the principle of the residential use of the site has already been accepted and it is not clear how the modest increase in the size of the house would result in any additional highways impacts. A turning area is shown on the submitted plans which reflects that on the approved plan. I further note that the Council's highways officer did not object to the proposal.
25. I note comments that mature trees and vegetation have been removed but the landscape and drainage plan shows new planting within the site which would help to soften the development and help it to assimilate into the landscape.

Conditions

26. In the interests of certainty, a condition specifying the approved plans is necessary.
27. In order to ensure a satisfactory appearance, the previously approved scheme included conditions requiring details of materials, hard and soft landscaping and the provision of a bin storage area. The Council's planning officer has confirmed that the details submitted with the appeal proposal have addressed these conditions, which do not need to be re-imposed. I have, however, re-imposed condition 4 of the previous permission (now 3) which is concerned with implementing the hard and soft landscaping, and condition 7 (now 2) which requires the implementation and retention of the parking and turning area.

² Planning application reference 16/708/OUT

28. In the interests of the character of the area and to protect the living conditions of neighbouring occupiers, I have also re-imposed the condition removing permitted development rights for alterations and extensions to provide the Council with additional control over any future proposals.

Conclusion

29. For the reasons given, I conclude that the appeal should succeed and planning permission be granted, subject to the attached conditions.

R Morgan

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: MS.19.01; MS.19.02; MS.19.03 and the location plan submitted with the application.
2. The dwelling shall not be occupied until space has been laid out within the site for parking and turning in accordance with drawing no. MS.19.03, and that space shall thereafter be kept available at all times for those purposes and kept free from impediment to the designated use.
3. All soft landscaping shown on drawing MS.19.03 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 shown on drawing MS.19.03 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.
4. 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.



Appeal Decision

Site visit made on 6 January 2020

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2020

Appeal Ref: APP/P1045/C/19/3233212

Land to East of Kings Lot Wood, Longway Bank, Whatstandwell, Derbyshire.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Lee Coxon against an enforcement notice issued by Derbyshire Dales District Council.
 - The enforcement notice was issued on 12 June 2019.
 - The breach of planning control as alleged in the notice is without planning permission the stationing of a caravan on the land for the purposes of human habitation.
 - The requirements of the notice are permanently remove the caravan from the land edged red on the attached plan.
 - The period for compliance with the requirements is 56 days.
 - The appeal is proceeding on the grounds set out in section 174(2)[b] and [c] of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The enforcement notice is quashed.

Application for costs

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

Ground (b)

3. An appeal on ground (b) is made on the basis that the breach of control alleged in the enforcement notice has not occurred as a matter of fact. Under ground (b), the point in question is therefore whether the use alleged to be taking place on site, i.e. the stationing of a caravan on the land for the purposes of human habitation, was, as a matter of fact, occurring at the time the notice was issued. Under this ground the appellant asserts that nobody is inhabiting the caravan and that it is there for agricultural use.
4. The onus of proof is on Mr Lee Coxon to show that some or all of the alleged matters had not in fact occurred by the time the notice was issued, on the balance of probabilities. The Council's Statement of Case identifies the nature of a complaint in relation to the stationing of the caravan was a washing line being erected and associated generator running at night. The appellant disputes that there was a washing line erected on site or a generator running at night and asserts that the complainant could have confused a petrol water pump with a generator.

5. The Council goes on to state that following a visit to the site, it was noted by the Council Enforcement Officer that the caravan had not been modified in any way and was capable of being, and appeared at that time to be used for human habitation. The Council has provided a signed witness statement (Witness Statement) by an enforcement planning officer at the Council who visited the site on 2 April 2019 and states 'The purpose of my visit was to inspect the land to see if there was a static caravan on the land as had been reported by a member of the public. There was, but it didn't appear to be occupied.'
6. At the time of my visit I noted that the caravan contained a living room area; kitchen area, bedrooms and a shower room/WC. However, it was clearly not occupied for residential purposes at the time of my visit. There were no beds in the bedrooms and was no apparent water supply or electricity, though there was a gas cannister and gas fire (which was not on at the time of my visit). I saw various tools stored within the caravan, as well as bales of hay. As such, from my inspection I do not consider that the caravan has been in permanent residential use for a considerable period of time.
7. The Council advise that the appellant stated to officers that the caravan was used for recreational, not agricultural purposes. Although the Council issued a Planning Contravention Notice (PCN) no response from the appellant was provided. The signed Witness Statement notes that during a meeting with officers on 15 April 2019 the appellant explained that the caravan is to be used for recreation purposes by him and his family when they visit this land.
8. The accuracy of the Witness Statement is questioned by the appellant. However, given the potentially significant consequences of wilfully stating anything which is known to be false in the Statement, I consider that substantial weight can be afforded to this element of it. The accuracy of peripheral matters such as the identify of the person accompanying the appellant during the meeting is of less significance in this regard.
9. The appellant states that the claim the site has and continues to be used for recreational purposes is highly subjective and untrue. I have had regard to the appellant's evidence in this respect, however, I am unable to afford it anything more than very limited weight, particularly in light of the appellant's failure to respond to the Planning Contravention Notice, which sought to secure further information regarding the siting of the caravan.
10. Nevertheless, whilst there is conflicting evidence as to whether the caravan is used for recreational or agricultural purposes, the breach identified in the enforcement notice is the use of the caravan for the purposes of human habitation. In my view, human habitation goes beyond the use of a site for recreational purposes and indicates that the occupant of the caravan is using it for every day living.
11. Thus, for the reasons given above, and taking into account the information provided by the appellant, the Council and my inspection of the site, on the balance of probabilities, the use alleged to be taking place on site, i.e. the stationing of a caravan on the land for the purposes of human habitation, was not occurring at the time the notice was issued.
12. I have considered whether I can correct the allegation in the notice to address the breach of planning control that has occurred; however, it would not be possible to do so without causing injustice to the appellant. Accordingly, the

appeal on ground (b) succeeds. The appeal under ground (c) does not therefore fall to be considered.

Conclusion

13. For the reasons given above I conclude that the appeal should succeed on ground (b). Accordingly, the enforcement notice will be quashed.

M Savage

INSPECTOR



Appeal Decision

Site visit made on 20 January 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2020

Appeal Ref: APP/P1045/W/19/3239175

The Chalet Bungalow, Butts Drive, Matlock DE4 3DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Green against the decision of Derbyshire Dales District Council.
 - The application Ref 19/00442/OUT, dated 12 April 2019, was refused by notice dated 11 June 2019.
 - The development proposed is the removal of an existing static home and replacement with a dwelling house.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the removal of an existing static home and replacement with a dwelling house at The Chalet Bungalow, Butts Drive, Matlock DE4 3DJ in accordance with the terms of the application, Ref 19/00442/OUT, dated 12 April 2019, subject to the conditions set out in Annex A.

Procedural matter

2. The application was submitted in outline with access only to be determined at this stage. I have determined the appeal on this basis.

Main Issue

3. The main issue in the appeal is whether or not the proposal would be a suitable form of development having regard to the site's location outside the settlement boundary.

Reasons

4. The appeal site is located on land to the rear of The Chalet Bungalow at the end of Butts Drive, a private road that serves a number of other dwellings. It is proposed to replace the existing structure on the site with a dwelling. The site lies outside, albeit adjacent to, the settlement boundary for Matlock as defined by the *Derbyshire Dales Local Plan (adopted December 2017)* (DDLDP) and so is defined as being in the countryside.
5. The DDLP seeks to focus the majority of new development within the upper tiers of the settlement hierarchy. In this context, DDLP Policy S4 (i) sets out when new residential development may be acceptable in the countryside. This includes a single replacement dwelling in accordance with policy HC7. The

- criteria for replacement dwellings in Policy HC7 includes that the existing use is lawful and that the existing dwelling is not a caravan or mobile home.
6. The Council have indicated that the current structure on the site does not have planning permission and no certificate of lawfulness has been sought for it. However, the Council have stated in their evidence that "the enforcement investigation in 2011 concluded that, as the structure had been present on site for more than four years, no enforcement action could be taken." As such, the Council's evidence indicates that the structure is lawful even though there is no formal permission for it and no certificate of lawfulness has been issued.
 7. If, when determining that the structure on the site was lawful, the Council considered it to be a mobile home then in order to be lawful it would have had to have been sited on the land for 10 years. However, if they considered it was permanently fixed to the ground and therefore operational development, then it would have had to be present on the site for 4 years.
 8. Whilst I have not been provided with the detail of the Council's enforcement investigation, as their evidence indicates that they considered it was immune from action after 4 years, they must have concluded that the structure was permanently fixed to the ground. In doing this they have, by definition, determined that the structure on the site is not a caravan or a mobile home.
 9. In the light of this, irrespective of what the structure may look like, it is a residential structure not a caravan or a mobile home. As a result, it accords with criterion (f) in Policy HC7, as it is not reasonable or logical to conclude that it is not a caravan when determining its lawfulness but it is a caravan for the purposes of Policy HC7.
 10. Policy HC7 also requires that the existing dwelling has to be demolished if it is to be replaced within the policy. The siting/layout of the proposed replacement dwelling is not to be determined at this stage. Whilst no planning obligation has been submitted to ensure this would be the case, the location of the existing structure is such that I am satisfied that the site would not be able to accommodate a dwelling as well as the existing structure. In any case a condition could be used to ensure it was removed before any replacement dwelling was occupied.
 11. Policy HC7 requires that the scale, form, design and massing of the replacement dwelling should not detract from the character and appearance of its setting or surroundings. However, as this is an outline application with only access to be determined at this stage, this would need to be considered at reserved matters stage. Nothing that I have seen or read leads me to conclude that any replacement dwelling would not be able to satisfactorily achieve this.
 12. All in all, as the proposal is for a replacement dwelling, despite being outside the settlement boundary for Matlock, I consider that the proposal would be a suitable form of development that accords with Policies S4 and HC7 of the DDLP outlined above.

Other Matters

13. Both the Town Council and local residents have raised a number of concerns regarding the access to the site and the additional movements the development would generate. However, I note that the Highways Engineer does not have any objections to the proposal. In the light of this, and my own

observations, I see no reason to come to a different conclusion in this regard. Issues relating to the use of the private drive and any structural issues this may cause to the road or properties is a private matter between the landowner(s) and all other interested parties and the grant of planning permission would not alter this. In addition, there are no persuasive reasons to believe that the proposed development would have any detrimental impact on flooding or drainage in the area.

14. Issues relating to the operation of a Bed and Breakfast business in The Chalet Bungalow, or other alterations the owner of this property has carried out to the site or buildings are not matters that are before me in this appeal and do not represent a reason for withholding permission for the appeal scheme.
15. Given the separation distance between the site and other surrounding properties, whilst details of design and layout are not to be determined at this stage, I am satisfied that a dwelling could be accommodated on the site without having an adverse impact on the living conditions of existing occupiers. In addition, whilst landscaping is reserved for future consideration, I consider that a suitable landscaping scheme would be able to ensure that the proposal would not have a negative impact on wildlife.
16. It is not disputed that the Council can demonstrate a 5 year housing land supply. However, this is a minimum requirement not a maximum and in any case as a replacement dwelling the proposal would not impact on the housing land supply.

Conclusion and Conditions

17. For the reasons set out above, I conclude the appeal should be allowed.
18. In addition to the standard implementation and reserved matters conditions, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of highway safety a condition is necessary to ensure the provision of parking and turning facilities on the site. A condition is also necessary to ensure the removal of the existing residential structure which the dwelling is to replace. As landscaping, layout and appearance are all reserved matters I do not consider the suggested conditions regarding the implementation of landscaping and the removal of some permitted development rights are necessary at this stage.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to, and approved in writing by, the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Scale 1/2500; and Block Plan – Proposed Scale 1/500.
- 5) The dwelling hereby permitted shall not be occupied until space has been laid out within the site for the parking and manoeuvring of vehicles, in accordance with a scheme that has been previously submitted to, and approved in writing by, the local planning authority. That space shall thereafter be kept available at all times for those purposes.
- 6) The dwelling hereby permitted shall not be occupied until the existing residential structure on the site has been removed from the site.

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