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Monday, 16 January 2023

To All Councillors:

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 24 January 2023 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

James McLaughlin
Director of Corporate and Customer Services

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

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AGENDA

SITE VISITS: Attached to the agenda is a list of sites the Committee will visit (**by coach**) on **Monday, 23 January 2023**. A presentation with photographs and diagrams will be available at the meeting for all applications including those visited by the Committee.

1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email committee@derbyshiredales.gov.uk of any apologies for absence.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 9 - 16)

13th December 2022

3. INTERESTS

Members 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 Member, 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. 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 [Speak at Planning Committee](#). Alternatively email: committee@derbyshiredales.gov.uk or telephone 01629 761133.

5. 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.

5.1. APPLICATION NO. 22/00731/LBALT (Pages 17 - 28)

Internal and external alterations associated with the conversion of attic to habitable rooms at Bradley Hall, Yew Tree Lane Bradley, Ashbourne, DE6 1PG.

5.2. APPLICATION NO. 22/01082/OUT (Pages 29 - 42)

Outline planning application for the erection of up to 3no. dwellinghouses with approval being sought for access at Land To The East Of Wheatley Road, Two Dales, Derbyshire.

5.3. APPLICATION NO. 22/01084/OUT - APPLICATION WITHDRAWN

5.4. APPLICATION NO. 22/01113/FUL (Pages 43 - 56)

Conversion of stables to form 1no. holiday let and erection of attached agricultural building at Stables, The Old Mill House, Bradbourne.

5.5. APPLICATION NO. 22/00910/FUL (Pages 57 - 64)

Single storey rear extension at 11 King Street, Ashbourne.

5.6. APPLICATION NO. 22/00799/FUL (Pages 65 - 74)

Erection of bungalow at 4 The Channel, Ashbourne.

5.7. APPLICATION NO. 22/00529/FUL (Pages 75 - 88)

Erection of 1. No dwellinghouse at North Park Farm, Whitworth Road, Darley Dale.

5.8. APPLICATION NO. 22/01293/FUL (Pages 89 - 98)

Erection of cattle housing building with associated underground slurry store at Apple Tree Farm, Longford Lane, Longford, Ashbourne, Derbyshire, DE6 3DT.

6. APPEALS PROGRESS REPORT (Pages 99 - 112)

To consider a status report on appeals made to the Planning Inspectorate.

Members of the Committee: Jason Atkin (Chair), Richard FitzHerbert (Vice-Chair)

Jacqueline Allison, Robert Archer, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Helen Froggatt, David Hughes, Stuart Lees, Peter O'Brien, Garry Purdy, Janet Rose and Peter Slack

Nominated Substitute Members:

Substitutes – Councillors Matt Buckler, Chris Furness, Dawn Greatorex, Andrew Statham, Colin Swindell, Steve Wain and Mark Wakeman

SITE VISITS

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **9:50am prompt** on **Monday, 23 January 2023**, before leaving (**by coach**) at **10:00am** to visit the sites as detailed in the included itinerary.

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.

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.

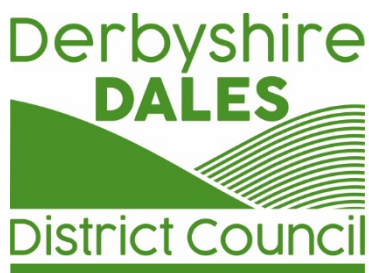
- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.
- h) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any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

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SITE VISITS

LEAVE OFFICE		10.15
22/01084/OUT	APPLICATION WITHDRAWN	
22/01293/FUL	Apple Tree Farm, Longford Lane, Longford, Ashbourne, Derbyshire, DE6 3DT	11.00 (15 mins)
22/00910/FUL	11 King Street, Ashbourne, Derbyshire, DE6 1EA	11.35 (15 mins)
22/00799/FUL	4 The Channel, Ashbourne, Derbyshire, DE6 1FB	12.00 (15 mins)
22/01113/FUL	Stables, The Old Mill House, Bradbourne, Derbyshire. DE6 1NP	12.35 (15 mins)
22/00529/FUL	North Park Farm, Whitworth Road, Darley Dale, Derbyshire. DE4 2HJ	13.00 (15 mins)
22/01082/OUT	Land to the east of Wheatley Road, Two Dales, Derbyshire. DE4 2FF	13.20 (15 mins)
RETURN		14.00

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Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 13th December, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Jason Atkin - In the Chair

Councillors: Jacqueline Allison, Robert Archer, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Richard FitzHerbert, David Hughes, Stuart Lees, Peter O'Brien, Garry Purdy, Janet Rose and Peter Slack

Present as Substitute - Councillors: Mark Wakeman

Members of the Public – 41

Note:

“Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council’s Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document.”

APOLOGIES

Apologies for absence were received from Councillor(s): Helen Froggatt

237/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Jason Atkin, Seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That the minutes of the meeting of the Planning Committee held on 08 November 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

238/22 - INTERESTS

Councillor Janet Rose declared a non-pecuniary interest in Item 5.1 Application No. 22/01011/FUL The Knockerdown Inn, Knockerdown, Ashbourne DE6 1NQ

239/22 - APPLICATION NO. 22/01011/FUL

At **6.04pm** Councillor Janet Rose left the meeting during consideration of this application due to declaring a non-pecuniary interest in the application.

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Alex Millward (Local Resident) and Dan Macken (Applicant) spoke in support of the application. Cllr Louise Corbett (Carsington and Hopton Parish Council), Cllr. Chris Stait (Hognaston Parish Council (Steering Group)), Mr Tim Fowlow (Local Resident), and Cllr Rob Savage (Chairman Kniveton Parish Council) spoke against the application and Cllr. Janet Rose, (Ward Member) commented on the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of comments received from the Peak District National Park, Angelique Foster, Derbyshire Police and Crime Commissioner, Derbyshire CPRE, DJOGS Ltd and a letter from the Applicant. 18 late representations were received in objection, a petition with 483 signatories was received in objection and 10 late representations were received in support.

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That planning permission be refused or the reasons as set out in the report.

The Chairman declared the motion **CARRIED**.

240/22 - APPLICATION NO. 22/00378/FUL

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Stuart Clark (Agent) spoke in support of the application and Cllr. Dave Walsh (Deputy Chair Yeaveley Parish Council) spoke against the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of two representations received from the Deputy Chair and the Clerk of Rodsley and Yeaveley Parish Council.

It was moved by Councillor Garry Purdy, seconded by Councillor Tom Donnelly and

RESOLVED

That planning permission be approved subject to the conditions set out in the report.

Voting

14 For

01 Against

00 Abstentions

The Chairman declared the motion **CARRIED**.

241/22 - APPLICATION NO. 22/00721/VCOND

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Ms Louie Sheddon (Agent) spoke in support of the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of corrections to the report and condition 2 and representations from local residents.

During debate Councillor Hughes moved to defer the application until a revised Noise Monitoring Plan had been received, this was seconded by Councillor Sue Burfoot and put to the vote as follows:

Voting

07 For

08 Against

00 Abstentions

The Chairman declared the motion **LOST**.

It was moved by Councillor Richard FitzHerbert that planning permission be approved subject to the conditions in the report with the addition as set out below:

“That authority be delegated to the Council’s Development Manager or Principal Planning Officer to amend further condition 2 and the Noise Monitoring Plan to include a review of noise monitoring and complaints yearly with amendments made to the plan if required.”

This was then seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That planning permission be approved subject to the conditions set out in section 8.0 of the report with the following addition:

“That authority be delegated to the Council’s Development Manager or Principal Planning Officer to amend further condition 2 and the Noise Monitoring Plan to include a review of noise monitoring and complaints yearly with amendments made to the plan if required.”

Voting

14 For

00 Against

01 Abstentions

The Chairman declared the motion **CARRIED**.

At 7:50pm the meeting adjourned for 15 minutes.

242/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8.05pm** it was moved by Councillor Jason Atkin, seconded by Councillor Richard FitzHerbert and

RESOLVED (Unanimously)

That, in accordance with Rule of Procedure 13, the meeting continue to enable the business on the agenda to be concluded.

The Chairman declared the motion **CARRIED**.

243/22 - APPLICATION NO. 22/00938/FUL

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Richard West (Agent) spoke in support of the application. Mr Michael Lyon (Doveridge Parish Council), Ms Suzanne Millership-Liddle (Local Resident), Mr Norman Lunnun (Local Resident) and Ms Anna Hutton (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of corrections to the plan numbers in Conditions 2 and 3 and an additional recommended condition relating to noise.

During debate Councillor Sue Burfoot moved to refuse the application due to the noise impact on surrounding properties, this was then seconded by Councillor Jaqueline Allison and put to the vote as follows:

Voting

07 For

08 Against (including Chairman's casting vote)

01 Abstentions

The Chairman declared the motion **LOST**.

It was then moved by Councillor Garry Purdy, seconded by Councillor Mark Wakeman and

RESOLVED

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to conditions upon completion of a s106 legal agreement to secure the following:

- 6 affordable dwelling units on-site,
- £72,663.30 towards the provision of 4 Primary places at Doveridge Primary school and additional education facilities.
- £140,165.35 towards the provision of 5 secondary with post 16 places at Queen Elizabeth Grammar School and additional education facilities.
- A contribution of ££3,061.80 towards the provision of children's play off –site.
- A contribution of £1,063.80 towards the provision of allotments off –site.

Voting

07 For

06 Against

02 Abstentions

The Chairman declared the motion **CARRIED**.

At 9.02 pm Councillor Graham Elliott left the meeting.

244/22 - APPLICATION NO. 22/01044/OUT

The Senior Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Christopher Lindley (Agent) spoke in support of the application. Mr Colin Fowles (Local Resident) and Ms Marion Barton (Local Resident) spoke against the application, Mr Alan Piper (Matlock Moor Methodist Church) and Mrs Christina Piper (Local Resident) commented on the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of corrections to the conditions numbering, comments received from Councillor Steve Wain and objections from CPRE Derbyshire.

During debate Councillor David Hughes asked for 2 information conditions to be added regarding the materials used and links to footpaths.

It was moved by Councillor Stuart Lees, seconded by Councillor Mark Wakeman and

RESOLVED

That authority be delegated to the Development Manager or Principal Planning Officer to grant outline planning permission, subject to conditions as set out in the report, with the addition of two informative points relating to building materials and footpaths following the completion of s106 agreement to secure the following:

- 30% of the dwellings as affordable units on-site,
- A contribution of £588,694.47 towards the provision of 21 secondary places with post 16 at Highfield School + additional education facilities.
- A contribution of £67,680 for enhancing capacity / infrastructure within the existing local practices of Imperial Road Surgery Matlock and Ashover Branch and Lime Grove Surgery, Matlock.
- A contribution of £5,280 to mitigate the additional demand on library services.
- A contribution of £3,750 which is to be payable towards Travel Plan monitoring.
- A contribution of £4,432.50 towards the provision of allotments off –site.
- Compensatory parking for the Methodist Church and the occupants of Brickyard Cottages

Voting

08 For

05 Against

01 Abstentions

The Chairman declared the motion **CARRIED**.

245/22 - APPLICATION NO. 22/01092/FUL

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

Consultation responses were set out in section 5 of the report.

At 10:00pm, Councillor Richard FitzHerbert left the meeting.

It was moved by Councillor Peter Slack, seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That planning permission be approved subject to the conditions set out in the report.

The Chairman declared the motion **CARRIED**.

246/22 - APPEALS PROGRESS REPORT

The Development Manager gave an update on Appeal Decisions.

It was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That the report be noted.

The Chairman declared the motion **CARRIED**.

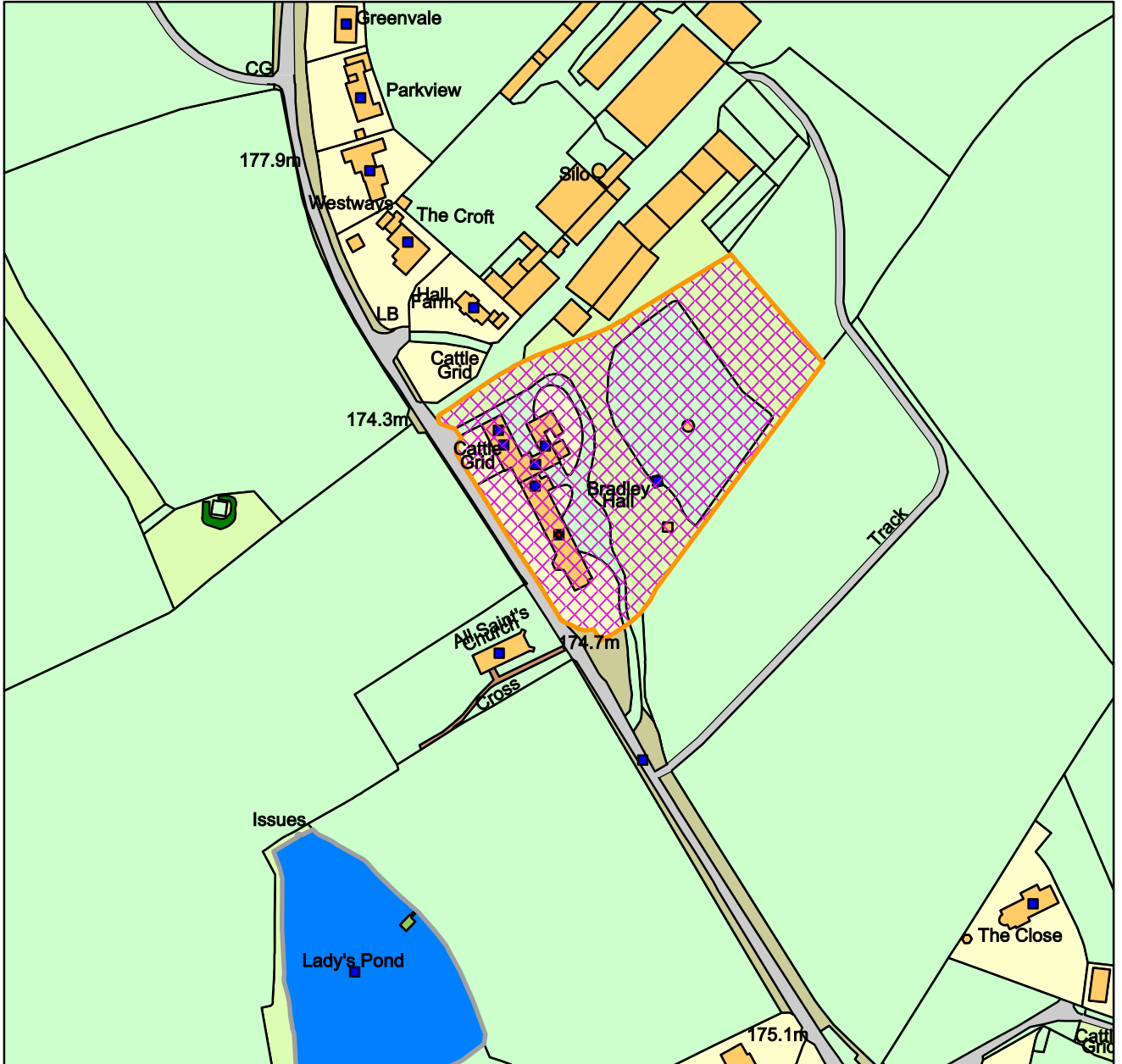
Meeting Closed: 10.02 pm

Chairman

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22/00731/LBALT

Bradley Hall, Bradley



Derbyshire Dales DC

1:2,500

Date: 29/11/2022

100019785

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

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APPLICATION NUMBER		22/00731/LBALT	
SITE ADDRESS:		Bradley Hall, Yew Tree Lane, Bradley, Ashbourne, DE6 1PG	
DESCRIPTION OF DEVELOPMENT		Internal and external alterations associated with the conversion of attic to habitable rooms	
CASE OFFICER	Mr Joseph Baldwin	APPLICANT	Mr Paul Staley
PARISH/TOWN	Clifton and Bradley	AGENT	Mr Matt Hewitt
WARD MEMBER(S)	Cllr Andrew Shirley	DETERMINATION TARGET	16/08/2022
REASON FOR DETERMINATION BY COMMITTEE	5 or more unresolved objections	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Impact upon heritage assets - Impact upon protected species

RECOMMENDATION
<ul style="list-style-type: none"> - Approval subject to conditions

1.0 THE SITE AND SURROUNDINGS

1.1 Bradley Hall is a grade II listed building (listed 1952) located off the eastern side of Yew Tree Lane, toward the northern edge of Bradley. The property dates from the mid-18th century and has been subject to incremental alterations and additions which have been carried out in the 19th, 20th & 21st centuries. The property is of red brickwork construction with stone dressings/details with dual and hipped clay tiled roofs and brick chimneystacks. To the north-west of the Hall was a formerly detached, 'L' shaped stable/service building (this is listed separately, grade II – 1984). This building was subsumed, altered and extended (and con-joined) into the main Hall in the 20th century. A further, large, garaging block was added to the north-west in the early 2000s. The Hall is raised above the main road with an impressive brick retaining wall (grade II listed - 1984). Opposite the Hall is the grade II* listed parish church and its associated churchyard. Bradley public footpath 17 runs to the south of the property.



2.0 DETAILS OF THE APPLICATION

2.1 Listed building consent is sought for internal and external alterations to the grade II listed building associated with the conversion of the existing attic space to habitable rooms including, two bedrooms, two en-suite bathrooms, a games room and an office as set out on the amended plans received by the Local Planning Authority on 24th November 2022. The proposed alterations include the construction of two new staircases into the attic space and the installation of roof lights to the eastern roof slope.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

4.0 RELEVANT PLANNING HISTORY:

21/01345/FUL	Erection of rear extension accommodating a swimming pool and conversion of orangery/shed into kitchen and incorporation into main dwelling and retention of timber panelled gates, hot tub canopy and hot tub	PERC	13/05/2022
21/01346/LBALT	Erection of rear extension accommodating a swimming pool,	PERC	15/06/2022

conversion of orangery/shed into kitchen
and incorporation into main dwelling and
associated internal alterations

5.0 CONSULTATION RESPONSES

Bradley Parish Council

- 5.1 Parish Council would wish to have assurances that any approval would be conditional on the habitable rooms not be used for commercial/holiday let purposes due to noise and anti-social behaviour/environmental health issues already arising on site. Councillors also wished it noted that there appears to be a level of inconsistency in decision making in respect of applications within the Parish and would welcome the opportunity for a Planning Officer to attend/speak at a future Parish Council meeting on the planning process

Derbyshire Wildlife Trust

- 5.2 No objections subject to conditions.

Design and Conservation Officer (Derbyshire Dales):

- 5.3 The proposals are as follows –

- i. Conversion of the attic/loft spaces to the Hall to form a Master Bedroom with associated dressing room, en-suite and study, Bedroom 04, en-suite, storage space, and Games Room;
- ii. Alterations to existing 'Nursery' on first floor and installation of new timber staircase (to access the attic/loft space);
- iii. Formation of new staircase to access the Games Room and bedroom 04 (& en-suite);
- iv. Installation of 14No. roof lights to serve the attic/loft conversion;

The following comments are made on the above list of proposed works -

- i. In general terms the proposed conversion of the vacant attic/loft space is considered to be acceptable. The proposed works include the following alterations.

Southern attic/loft spaces -

- a. Upgrading of pitched roofs,
- b. Formation of a new doorway in the brickwork walling between the en-suite and dressing room,
- c. Enlargement of an existing opening in the brickwork wall between the dressing room and master bedroom,
- d. Blocking of an existing opening and formation of new door opening in the brickwork wall between the master bedroom and landing,
- e. Blocking of an existing opening and formation of new door opening in the brickwork wall between the landing and office/study,

Northern attic/loft spaces –

- f. Formation of new studwork wall & doorway between storage space and en-suite (04),
- g. Blocking of an existing opening and formation of new door opening in the brickwork wall between en-suite (04) and bedroom (04),
- h. Formation of a new doorway in the brickwork walling between bedroom (04) and new staircase,

Some of the brickwork walls extending from below up into the attic/loft space are historic walls. No details have been submitted in this regard, however, the proposed extent of alteration is such that the works as itemised above are likely to be considered acceptable alterations that will not constitute adverse harm to the overall significance of the listed building interior. However, in order to ensure that the blocking, enlargement and formation of new structural openings in these various walls is undertaken appropriately it is considered that condition(s) should be imposed requiring the submission of existing elevations (of each attic/loft wall) and proposed elevations indicating the exact nature and extent of the alteration works in each case.

It is assumed, although not specified that the current exposed brickwork wall will be plastered. This is likely to be acceptable and a condition should be imposed requiring details of the proposed plastering and finish etc.

The proposals include for a number of timber 'binders' and 'cross bracings' to be removed as part of the conversion works. It will be important that none of these are historic timbers and part of the original historic roof structure. In this regard, a condition should be imposed requiring details of each timber member/element to be removed, its exact location and an assessment/analysis of its age etc. If the timbers being proposed to be removed are found to be historic and integral to the roof structure(s) then they will be required to remain in-situ (a condition should be imposed in this regard).

It is noted that the current pitched roofs are to be 'upgraded'. The drawings state that 'any defective coverings to be replaced' and a new roofing membrane installed with insulation between the rafters and a ventilation void and low level tile vents. The submitted photo survey of the attic/loft spaces depicts the underside of the roof with torching and rafters etc. If the existing roof coverings are to be removed then they shall be re-instated on a strictly like-for-like basis (a condition should be imposed in this regard). The proposed provision of a new roofing membrane, insulation and roof ventilation etc. is considered to be acceptable. It is noted that the underside of the roof structures will be underdrawn with insulated plasterboard and skim. The application contains no drawn/sectional details of any proposed under-drawing to the roof structure, or insulation. Again, typical sectional and specification details of any such proposals will be required via a condition to ensure that no damage, removal, loss or otherwise is made to any existing historic roof timbers or details.

It is proposed to 'upgrade' the existing floor (with new timber joists and 20mm thick chipboard or timber boards over). For half hour fire resistance and acoustic insulation 150mm Rockwool insulating material between the joists is to be installed. This is considered to be acceptable subject to no existing, historic ceilings and ceiling joists etc. being altered, removed or changed during the attic flooring works. Typical large-scale sectional details of this proposal will be required via a condition to ensure that no damage, removal, loss or other alteration is made to any existing historic floor joists, floor boards or historic coverings.

- ii. The existing first floor 'Nursery' room has a projecting chimneybreast (the fireplace has been historically removed and plastered over). The room has a sash window and a plain flat plastered ceiling with no decorative cornicing or other features. It is proposed to install a new staircase in this room, to access the attic/loft space. No existing & proposed elevational drawings/details of this room have been submitted. It is proposed to install the new staircase to the left hand side of the chimneybreast and partially in front of the existing window (although the lower steps will be below

cill level) and the angle/pitch of the staircase will cut across the top of the chimneybreast. The installation will also require a section of the current ceiling to be removed. Whilst the proposed installation of a new staircase in this room may be considered acceptable, this would be strictly subject to proposed details of design and installation which should be submitted via a condition.

- iii. An existing cupboard (adjacent to Bedroom 02) is to be utilised to install a new staircase up into a second part of the attic roof space. This further attic space is to provide a bedroom ('04') and en-suite, storage room and games room. It is proposed to install the new staircase to an 'L' shaped configuration with its lower steps (2No.) projecting into the corridor. Whilst the proposed installation of a new staircase in this room/space may be considered acceptable, this would be strictly subject to proposed details of design and installation being submitted via a condition.
- iv. In converting the attic/loft space (as proposed) necessitates the introduction of a number of (conservation) rooflights. Fourteen rooflights are proposed – all to be located on the east-facing roof slopes of the property. It is considered that the roof slopes to the (rear) eastern facing roof slopes could accommodate a number of rooflights (subject to these being fully recessed flush-fitting conservation rooflights into the roof covering – installation details/section etc. would be required by condition). However, it is considered that the two rooflights to the small pitched roof chimneystack projection to the Master Bedroom should be omitted as the roof area is too small to accommodate rooflights. Furthermore, it is considered that the 'storage' area roof light should also be omitted.

Subject to the above, and the imposition of conditions, it is considered that the proposed conversion of the vacant attic/loft spaces to the property would not constitute adverse harm to the overall significance of the listed building.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 14 representations have been received in objection to the proposed works. A summary of the representations is outlined below:

- The proposal goes beyond what is required as a family house.
- It is intended to convert the house to a holiday complex.
- The highways are not suitable for additional traffic.
- There are existing issues with noise and litter from the property.
- The installation of roof lights will fundamentally change the look of the building.
- Concerns regarding the presence of bats within the Bat Survey.
- Concerns regarding the impact on the setting of adjacent listed buildings.
- Bradley Hall is one of the most important buildings in Bradley and according to the NPPF the greatest weight should be given to its conservation even "less than substantial harm" should not be permitted.
- There are no public benefits to be derived from the development to outweigh any less than substantial harm.
- Approval of the application would be inconsistent with consideration of other application for listed building consent in Bradley.
- The optimum viable use of Bradley Hall is a family home. This does not require any alterations.
- Any permission should be conditions to ensure the development is for domestic use only.
- Concerns regarding the capacity of the septic system.
- Parts of the building are currently residential but unused. This would be a more appropriate way of gaining extra space.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Impact on heritage assets
- Impact upon protected species

7.1 A number of representations have been received in relation to the application as outlined above. The only issues to consider as part of this application for listed building consent would be the impact of the proposed works on the character, appearance and significance of the Grade II listed Bradley Hall. In considering whether to grant the application the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- Impact upon heritage assets

7.2 Two staircases are proposed to be constructed in order to access the new converted loft space. The staircase proposed within the existing nursery would be partially in front of an existing window, to the left hand side of the existing chimney breast however the lower level steps would be below the cill level of the window which somewhat reduces the impact on the historic opening. The removal of a small section of the ceiling to provide access to the attic space is deemed to be acceptable. The second staircase is proposed to be installed in an existing storage cupboard and would provide access to the new games room and an additional bedroom. Two of the lower steps would project out of the cupboard and onto the landing area however this is not considered to be detrimental to the fabric of the building. Subject to conditions securing exact design details of both staircases, these alterations are not considered to result in any harm to the special character, appearance or fabric of the listed building and are considered to be acceptable.

7.3 The proposed works as submitted included a large number of roof lights to facilitate the conversion of the attic space to habitable rooms. A total of 15 roof lights were originally proposed which were all contained to the eastern facing roof slope, largely out of public view from Yew Tree Lane. Following the consultation response from the District Council's Design and Conservation Officer, concerns were raised regarding the number of rooflights proposed and it was suggested that two rooflights to the small pitched roof projection and over the proposed storage area were unnecessary and should be omitted from the plan in order to reduce the overall number of roof lights. Amended plans have since been received which have taken this into consideration and have omitted these three rooflights (the roof plan appears to continue to show a rooflight over the proposed storage area however it has been removed from the proposed attic plan). It is necessary to condition the removal of this rooflight for the avoidance of doubt. On the basis of the amended plans and subject to a condition securing the design of the proposed rooflights being flush fitting conservation style rooflights, this element of the works is not considered to result in any harm to the special character, appearance or fabric of the listed building and is considered to be acceptable on this basis.

7.4 As submitted, the conversion of the attic space to habitable accommodation required the removal of a number of historic roof timbers. The District Council's Design and Conservation Officer raised concerns about these proposals as this would result in harm to the fabric of the grade II listed building. Following the submission of photographic surveys and subsequent amended plans, it has been agreed with the applicant that all roof timbers shall remain in situ, with the exception of timber purlins and binders which are to be removed in the landing area of the new games room/bedroom 4. These timbers are identified in images 21-28 of the submitted photo survey and are clearly more modern timbers (likely late 20th/early 21st century) and the removal of these timbers is not deemed to be harmful. The blocking up/enlargement of existing openings within the loft space is also deemed to be acceptable subject to conditions outlined within the Design and Conservation Officers consultation response.

7.5 Paragraph 202 of the National Planning Policy Framework states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. The proposed works would not result in any harm to the character, appearance and consequently the significance of the Grade II listed building and would instead have a neutral impact. The proposed works therefore conserve the significance of the listed building in accordance with the National Planning Policy Framework.

- Impact upon protected species

7.6 The application is accompanied by a Bat Survey Report which Derbyshire Wildlife Trust have considered prior to providing formal comments on the proposed works. Whilst there has been evidence of a large historic maternity roost found within the building it appears as though less/no bats have used the loft space since insulation has been laid. However the report does conclude that day roosts of both brown long-eared and common pipistrelle bats are currently using the roof and as a result a licence will be required from Natural England before works can legally commence.

7.7 In order to gain a licence from Natural England it needs to be demonstrated that the derogation tests set out in Regulation 55 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and referred to in Derbyshire Wildlife Trust’s consultation response have been considered. In considering the first two tests relating to potential alternatives and whether there are any overriding public benefits to be derived the extent of the scrutiny should be proportionate to the status of the roost. In this case, the maternity roost is no longer considered active. There are some public benefits to be derived in that the works would create work/jobs for local contractors and the quality of the housing stock would be improved, whilst the benefits are modest, given the current status of the roost, this is considered to meet the first test. Given that the proposed conversion involves the entire loft space of the building, there are not considered to be any satisfactory alternatives to the mitigation measures proposed. Derbyshire Wildlife Trust have also confirmed that the third test relating to the overall bat population would also be met via the mitigation measures proposed. On this basis, it is deemed that the derogation tests are met and a licence would be likely to be issued.

7.7 Derbyshire Wildlife conclude that no further survey work is required and subject to a condition, securing the Bat Licence and mitigation measures there is not likely to be any detrimental impact on protected species on site. The Trust have also requested details of lighting to be submitted prior to installation however, there is no external lighting proposed as part of this application and a new application for listed building consent would be required should the applicant wish to install additional lighting. The conditions is therefore not deemed necessary in this case.

- Conclusion

7.8 On the basis of the above and subject to conditions, the proposed works would conserve the special character, appearance, fabric and overall significance of the grade II listed building and would not harm any protected species on site. A recommendation of approval is made accordingly.

8.0 RECOMMENDATION

That listed building consent be granted subject to the following conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

This is a statutory period which is specified in Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby approved shall be carried out in accordance with the following approved plans:
 - 100 – Site Location Plan
 - 201 – Amended Site Plan as Proposed (rec 24/11/2022)
 - 202 - Amended Ground Floor Plan as Proposed (rec 24/11/2022)
 - 203 – Amended First Floor Plan as proposed (rec 24/11/2022)
 - 204 – Amended Loft Floor Plan as Proposed (rec 24/11/2022)
 - 205 – Amended Roof Plan as Proposed (rec 24/11/2022)
 - 206 – Amended Elevations as Proposed (rec 24/11/2022)
 - 207 – Amended Roof Plan as Proposed (rec 24/11/2022)
 - 208 – Amended Loft Floor Section A as Proposed (rec 24/11/2022)
 - 209 – Amended Loft Floor Section B as Proposed (rec 24/11/2022)
 - 402 - Amended Ground Floor Plan as Proposed (rec 24/11/2022)
 - 403 – Amended First Floor Plan as Proposed (rec 24/11/2022)
 - 404 – Amended Loft Plan as Proposed (rec 24/11/2022)
 - 405 – Amended Roof Plan as Proposed (rec 24/11/2022)

Reason:

For the avoidance of doubt and in the interests of the proper planning of the area.

3. Other than those explicitly outlined in images 21-28 of the submitted photographic survey (received 24/11/2022) no timbers shall be removed from the roof structure of the building.

Reason:

For the avoidance of doubt and to conserve the fabric of the listed building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

4. Notwithstanding the approved roof plan (drawing 2017 as amended) listed building consent is not granted for any roof light installed over the proposed “storage area”.

Reason:

For the avoidance of doubt and in the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

5. The rooflights hereby approved shall be of the conservation type with a single vertical glazing bar and mounted flush with the roof slope.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

6. Prior to works commencing on any internal elevations within the attic space, elevational drawings of each attic/loft wall (existing and proposed) shall be submitted to an approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

7. Prior to the application of any plaster to any exposed brickwork wall, details of the plaster/finish shall be submitted to and approved in writing by the Local Planning Authority, the works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

8. Prior to their installation, constructional details and drawings of the two new staircase into the attic shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

9. Prior to any alteration to the underside of the existing roof structure, constructional details and sectional drawings shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the method of under-drawing the roof structure with any insulation/plasterboard. The works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

10. Prior to any alteration to the existing attic floor, constructional details and sectional drawings of the new floor to the attic space shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the Listed Building in accordance with the National Planning Policy Framework (2021), the National Planning Practice Guide and the Historic England Advice Note 2 - Making Changes to Heritage Assets (2016).

11. Prior to works commencing within the attic space an appropriate derogation licence shall be obtained from Natural England. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in Section 6.2 of the Bat Survey Report (Middleton Bell, June 2022) and amended as necessary based on the results of any additional surveys and/or correspondence with Natural England. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence will be submitted to the Local Planning Authority once granted. A copy of the results of any monitoring works shall also be submitted to the Local Planning Authority.

Reason:

In the interest of preserving a protected species in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

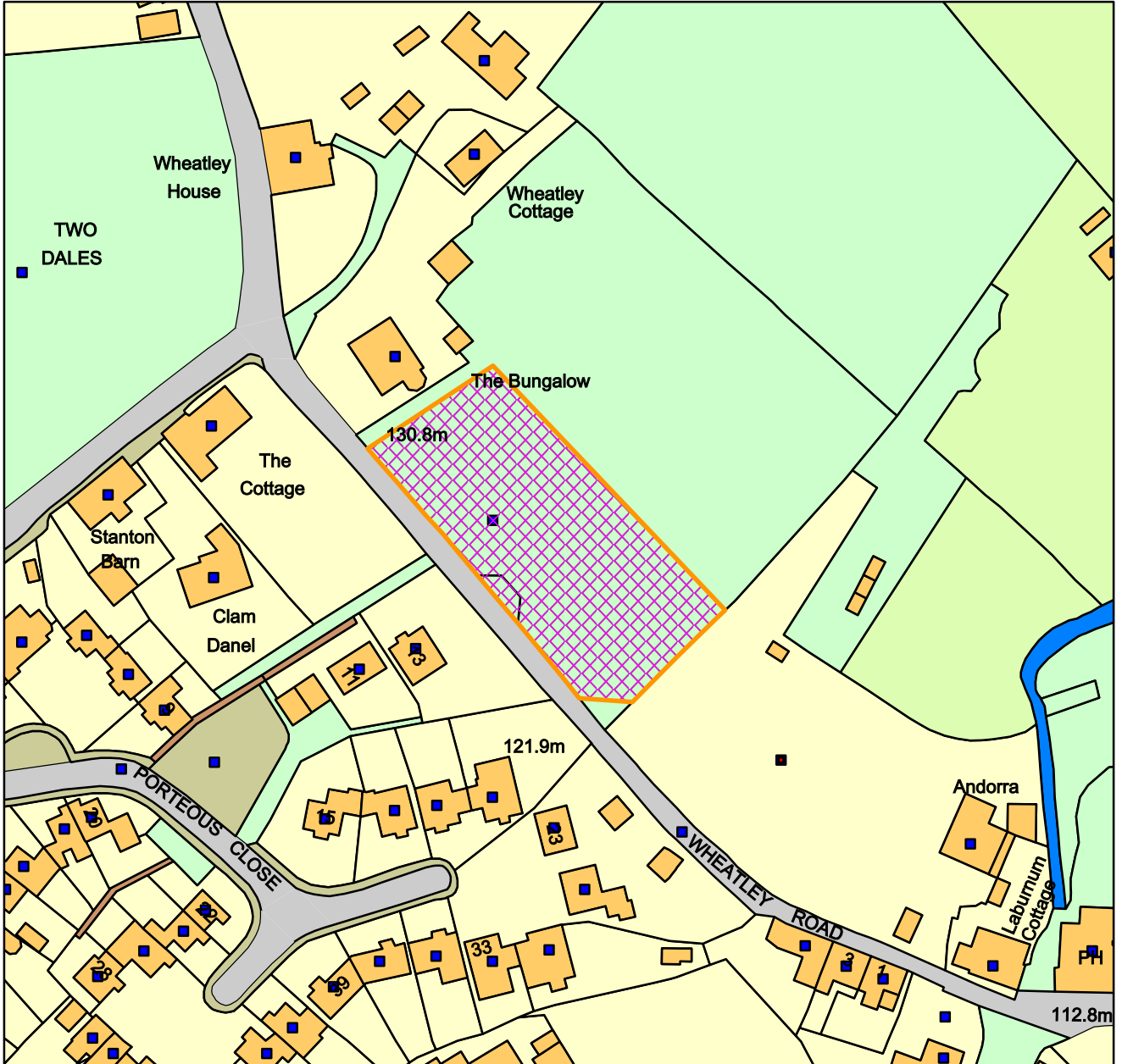
9.0 NOTES TO APPLICANT:

The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame initial problems with the application relating to the number of rooflights and the potential removal of historic roof timbers which would have resulted in harm to the significance of the heritage asset.

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.

22/01082/OUT

Land to the East of Wheatley Road, Two Dales



Derbyshire Dales DC

1:1,250

Date: 11/01/2023

100019785

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Derbyshire Dales District Council,
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Telephone: (01629) 761100.
website : www.derbyshiredales.gov.uk

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APPLICATION NUMBER		22/01082/OUT	
SITE ADDRESS:		Land To The East Of Wheatley Road, Two Dales, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Outline planning application for the erection of up to 3no. dwellinghouses with approval being sought for access	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr and Mrs Powell
PARISH/TOWN	Darley Dale	AGENT	Mr A Stock
WARD MEMBER(S)	Cllr Statham Cllr Salt Cllr Atkin	DETERMINATION TARGET	14/12/2022
REASON FOR DETERMINATION BY COMMITTEE	3 dwellinghouses proposed outside of the settlements of Matlock, Ashbourne, Wirksworth and Darley Dale	REASON FOR SITE VISIT (IF APPLICABLE)	To consider the impact of the development on the character and appearance of the area and the heritage asset engaged.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Policy principle • The impact on the character and identity of the settlement and the local landscape • Heritage impacts • Highway considerations • Impact on landscape features, biodiversity and wildlife • Flood risk and drainage

RECOMMENDATION
That planning permission be refused.

1.0 THE SITE AND SURROUNDINGS

1.1 The application site comprises open land on the eastern side of Wheatley Road and eastern edge of Two Dales. Wheatley Road is a rural country lane enclosed by stone walling and mature hedgerow planting. Access would be gained via an existing access point off Wheatley Road approximately half way along the site frontage. There is an existing residential property to the north west of the application site and further residential development on the western side of Wheatley Road, with open countryside beyond the north eastern boundary of the site. To the west of the site is the Grade II listed 'The Cottage' which is a two storey stone building dating from 1704.



2.0 DETAILS OF THE APPLICATION

2.1 Outline planning permission is sought for the erection of three dwellings with all matters reserved apart from access as set out in the submitted documents received by the Local Planning Authority on 26/09/2022. Access to the site is proposed via the existing access off Wheatley Road. The indicative layout plan presents 3 bungalows, two to the north of the access and one to the south.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017)
 - S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S4: Development in the Countryside
 - PD1: Design and Place Making
 - PD2: Protecting the Historic Environment
 - PD3: Biodiversity and the Natural Environment
 - PD5: Landscape Character
 - PD6: Trees, Hedgerows and Woodlands
 - PD7: Climate Change
 - PD8: Flood Risk Management and Water Quality
 - HC1: Location of Housing Development
 - HC19: Accessibility and Transport
 - HC21: Car Parking Standards

2. Darley Dale Neighbourhood Plan (2020)
 - NP3: Protecting the Landscape of Two Dales
 - NP16: Design Principles for C3 Residential Development in Two Dales

3. National Planning Policy Framework (2021)
 - National Planning Practice Guidance
 - Landscape Character and Design SPD (2018)
 - Climate Change SPD (2021)
 - Developer Contributions SPD (2020)

4.0 RELEVANT PLANNING HISTORY:

17/00343/OUT	Erection of three bungalows (outline)	Refused	09/08/2017
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5.0 CONSULTATION RESPONSES

Darley Dale Town Council

5.1 Objection on the following grounds:

- i. The site is outside the settlement boundary.
- ii. The site is within the curtilage of a listed building.
- iii. The development is not in keeping with the surrounding area.
- iv. This is an area of natural beauty which should not be destroyed by development.
- v. Impact on health and safety of local resident as the public highway leading to the site is not suitable for further development.
- vi. This is an area of historical interest and should be protected for future generations.
- vii. Increase in surface runoff onto Wheatley Rd will exacerbate already hazardous driving conditions particularly in winter.

Derbyshire County Council (Highways)

5.2 See previous comments and recommended conditions made in response to 17/00343. Response to 17/00343/OUT - During a recent site visit it was estimated passing vehicle speeds on Wheatley Road were approximately 25mph. Based on this estimate and taking

into account the gradient of the road, the recommended emerging visibility sightlines are 2.4m x 35m to the north west and 2.4m x 32m to the south east. These recommended sightlines are achievable within the land controlled by the applicant. Therefore, the Highway Authority has no objections to this application.

Internally, 2 car parking spaces shall be provided for each 3 bedroomed dwelling, clear of adequate turning area(s) to enable all vehicles to enter, turn and exit in a forward gear at all times. Given the size of the site, it's not envisaged a refuse vehicle would be able to enter the site. Should this be the case, a bin store location should be provided within the site immediately adjacent to Wheatley Road so bins can be stored clear of the public highway on collection days. Conditions are recommended.

Derbyshire Wildlife Trust

- 5.3 We have reviewed the Preliminary Ecological Appraisal (Elite Ecology, August 2022). The report makes recommendations for further assessment of a nearby pond and brook for GCN, including HSI Assessment and then eDNA analysis dependent of the result. After reviewing the existing protected species data for the area, we consider that it may have been interpreted incorrectly, as the record of GCN referred to in the PEA report approx. 300 m north, is a record of a negative eDNA result taken from a pond. The closest record of GCN is well over 500 m to the west, at the other side of the A6 road. The nearby pond is connected to a (albeit slow-flowing) watercourse and therefore the potential for predatory fish is high. We consider that delaying determination to undertake further GCN survey in this instance, would not be proportionate to the existing datasets and likelihood of presence. As such, we recommend that the Method Statement for site clearance, recommended to safeguard reptiles, would also be sufficient to mitigate for the low risk of encountering GCN. This can be secured via condition.

The PEA recommends the use of a Biodiversity Metric to quantify biodiversity losses and gains and to ensure that appropriate landscaping and enhancements are provided within the scheme to avoid net loss and achieve a net gain where possible, in line with local and national planning policies. We support this approach and it is considered likely that habitat enhancements will be required on adjacent land in the ownership of the applicant to offset the loss of the grassland on site. The metric for this site is anticipated to be quite straightforward and should be completed at the earliest opportunity. Suitable recommendations for enhancements are provided in Section 5 of the PEA and therefore we would hope that these have already been considered by the applicant. Typically, this information should be provided prior to determination.

Design and Conservation Officer (Derbyshire Dales)

- 5.4 The submitted Heritage Statement (HS) identifies the site as being 'part of the semi-rural setting of Two Dales'. It is not relict agricultural land as it was used as a nursery for upwards of 100 years +, however, this historic usage, which was widespread in the area, contributes significance to the land.

The principal elevation and aspect of the listed building is south-easterly. The garden to the south-east of the listed building is relatively large with substantial planting along the boundary wall to Wheatley Road. There is no tree protection to the planting to the garden of the listed building or to the trees aligning the boundary to the application site (adjacent to Wheatley Road). Whilst there has been some modern housing adjacent to the listed building, the potential future loss/removal of un-protected trees to its garden or those on the east side of Wheatley Road would re-open the south-easterly aspect (and principal elevation) of the listed building (as it would originally have been). In this regard, the primary aspect of the listed building would be compromised by the proposed development on the, historically and current open land to its south-east aspect. The indicative plant of the proposed three dwellings depicts an overtly urbane, modern, housing layout that would appear anomalous on this eastern side of Wheatley Road. Whilst the harm to the setting of the listed building

is unlikely to be substantial that harm would need to be assessed against the public benefits derived from the proposed development.

6.0 REPRESENTATIONS RECEIVED

6.1 A total of 18 representations have been received including 12 objections, 4 supporting representations (of which 2 are non-attributable) and comments from CPRE and Two Dales Residents Action Group. A summary of the representations is outlined below:

In objection:

- The proposed development would constitute unwarranted encroachment into the countryside which will have a harmful impact on the nature and character of the locality.
- The development would result in harm to the setting of the nearby listed building.
- The site is located outside of the defined settlement boundary.
- This Road is a single track rural road of true character. Any additional modern dwellings would be visible from the hillside and wood.
- Concerns regarding the safety of highway users along the existing single track.
- In a nearby appeal the inspector concluded any development in this immediate location would have such an adverse impact on the locality that the adverse impact clearly outweighs any possible benefit.
- The development would negatively impact the enjoyment of neighbouring properties gardens.
- The sightlines required by the Local Highway Authority would require the removal of existing boundary planting which provides screening.
- Other than the variation in housing availability for 5 years nothing has significantly changed that would warrant the reversal of the decision under 17/00343/OUT.
- The type and scale of the dwellings is toward the middle and upper end of the housing market and would not attract first time buyers or contribute significantly to local need.
- The existing bungalow was approved as a rural worker dwelling.
- The field provides access for wildlife to Halldale Wood. Halldale Wood is recognised by Derbyshire Dales Local Plan as a wildlife site and building on the field could restrict access to wildlife.
- Notwithstanding the proposed use of stone and additional planting, the proposed dwellings would have a significant urban impact on the countryside.
- Concerns that the application will set a precedent for further development to the north east of the site
- The development would result in a significant loss of valuable open agricultural pasture land.
- Developers should be encouraged to use brown field sites first.
- Access to the site is dependent upon a gateway which was achieved around 15 years ago upon the pretext of agricultural need. If this is no longer required the original walling should be reinstated.
- Allowing the development to go ahead would add to existing flooding issues within the village.

In support:

- Want to support the proposal for eco dwellings located near shop, pubs and other houses.
- The scheme appears to me to comply with the Planning policies that are in place.
- Understand that people do not want development in their area, but it needs to go in suitable sites and if subtle and a quality design in keeping with the area in a sustainable location, it should be approved.
- The development appears to be infill development adjacent to existing bungalows.
- The development reflects the modern housing estate opposite and arguably improves the area.

- Site cannot be seen from the listed building which already has development around. The applicant also offers to retain the existing boundary hedge by condition.
- The existing concrete block bungalow has a greater impact on the setting of the listed building than the proposed development.
- The development will have next to no impact on highway safety, highway authority have not raised concerns.
- Officers should look positively on an application where there hasn't been a 5 year housing supply for several years and major house builders are unlikely to be developing larger sites due to the current economic climate.
- The public benefits – sustainable location, delivery of quality materials and finish, green design and provision of single storey dwellings which are in demand outweigh any harm from a small part of a field hidden behind a hedgerow from being developed.

In support (non-attributable):

- Believe that the new dwellings would enhance the appearance of this residential area in Two Dales, on what, is currently an unkempt field.
- The properties will be eco-friendly and built to the latest standards.
- The objections are based on NIMBY prejudice.
- There would be no material harm to the listed building opposite.
- There is no robust reason to refuse and I would urge the council to support the application and provide some of the housing we so badly need.

CPRE Derbyshire:

CPRE Derbyshire registered an objection to a similar application for the same site (17/00343/OUT), which was refused by the DDDC planning committee on the grounds that the resulting harm to the rural character was not outweighed by any benefits from this development. We believe that the same grounds for refusal apply to this latest application.

Specifically:

1. The development would introduce a suburban-style development into a relatively unchanged and tranquil rural setting with a high landscape value.
2. The proposed development is outside the settlement boundary of the planning authority's approved Local Plan
3. The proposed development would not make a significant contribution to housing need in the district, being small-scale and attractive only to the higher end of the housing market
4. Darley Dale has had substantial new housing development approved in the last few years and does not need its more tranquil and unspoiled locations encroached upon
5. The proposed development has the potential for opening up further development into other parts of the site, leading to even further loss of rural character and tranquillity.

Two Dales Residents Action Group:

We raised a detailed objection to an application for what is essentially the same proposal in 2017. The Council Planning Committee rejected that application. The detail of our objections was spelled out then in a separate page attached to our letter and is reiterated and reproduced with this communication for reference. Despite the wealth of supporting detail supplied by the applicant's new agent there have been no substantive changes to the situation which would in our view cause the Committee to reverse their then decision.

Our objections are:

- Adverse impact on the countryside and contrary to Local Plan policies S4 and HC1.
- The land is still outside the settlement area, as agreed in the Local Plan. Approval would put the integrity of the whole plan at risk. The potential for 'opening the door' to further unacceptable development on the site reinforces the need for unequivocal rejection.
- We understand that the land is considered by the planning department to be designated as agricultural land.

- The case made for approval due to variations in the council's assessment of the 5 year supply of land for building houses is at best a justification for a review. The Local Plan refers only to 'consideration'. There is a recent local precedent for rejection in these circumstances, just a mile further NW along Darley Hillside (22/00772/OUT).
- The contribution to local housing need overall is almost negligible with no provision of affordable properties.
- Adverse impact on the Grade II Listed Building, The Cottage.
- Despite the highways department raising no objections to the original proposal or to this new one, the hazards outlined in our previous objections have been exacerbated in the intervening period. There is significantly increased vehicular traffic with the potential for further increase as a result of a new access to Wheatley Road granted to a business on land abutting the field in question.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline planning permission for the erection of 3 dwellings on site with all matters reserved except access.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017) and the Darley Dale Neighbourhood Plan (2020). The National Planning Policy Framework (2021) is a material consideration in respect of this application.
- 7.3 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the National Planning Policy Framework, the main issues to assess are:
- Policy principle
 - The impact on the character and identity of the settlement and the local landscape
 - Heritage impact
 - Highway considerations
 - Impact on trees, biodiversity and wildlife
 - Flood risk and drainage

Principle of Development

- 7.4 The site is located beyond the eastern edge of Two Dales with Wheatley Road forming the defined settlement boundary of Darley Dale, a second tier settlement as identified in policy S2 of the Adopted Derbyshire Dales Local Plan (2017). Policy S2 sets out that Darley Dale "has the ability to support sustainable patterns of living in the District because of the current levels of facilities, services and employment opportunities that are available. It has the ability to provide for additional jobs and homes in order to help sustain and, where necessary, enhance current services and facilities, promoting better levels of self-containment and a viable, sustainable community".
- 7.6 In this case, the application site is therefore located outside of the defined settlement boundary of Darley Dale. The Council is, however, unable to demonstrate a 5 year housing land supply at this time. The Adopted Derbyshire Dales Local Plan (2017) makes provision for housing development in such circumstances. Policy HC1 of the Adopted Derbyshire Dales Local Plan (2017) states that in such circumstances "the Council will give consideration to approving development on non-allocated sites on the edge of first, second and third tier settlements subject to consideration against other policies in the Local Plan and the provisions of the NPPF". On this basis, the principle of the development may be acceptable subject to assessment of the proposal against other relevant local plan policies.

The impact on the character and identity of the settlement and the local landscape

- 7.8 A key consideration in respect of this application is the impact of the development on the local landscape and character, identity and setting of this part of the countryside. Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) advises that development will conserve and where possible enhance the natural and historic environment, including settlements within the plan area.
- 7.9 Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales' townscapes and landscapes.
- 7.10 Policy PD5 deals specifically with landscape character and advises that development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.11 The evidence base, which underpinned the Adopted Derbyshire Dales Local Plan (2017) recognised in relation to the landscape that all land surrounding Two Dales was of high sensitivity. In particular, it was recognised that to the north and east of the settlement land is predominantly woodland or is open and visually prominent. Wheatley Road is a narrow rural lane tightly enclosed on either side by stone walling and high planting beyond this. This road provides a clear physical boundary to this northern side of Two Dales. To the south is the modern development of Porteous Close. Wheatley Road is a clear end stop to this beyond which are open fields with only very few dwellings located to this side of the lane and those mainly directed towards the junction with Park Lane. The proposal to develop this side of Wheatley Road will lead to harmful and uncharacteristic encroachment.
- 7.12 Policy NP16 of the Darley Dale Neighbourhood Plan (2020) states that planning permission will be supported in Two Dales where it "follows the existing development pattern along roads through Two Dales". The development of the application site is not considered to follow the existing settlement pattern, instead constituting uncharacteristic encroachment in the countryside, resulting in a significant and harmful urbanising effect on the prevailing rural character of the area.
- 7.13 To the west of the site in a similar landscape setting, planning permission was refused for housing development on the basis of the harm to the local landscape and settlement pattern. The appointed Inspector at this time noted that development on the upper part of Park Lane northern side of the site was much more scattered and intermittent in nature, interspersed with more open pasture and garden land. The application site presents a similar character. Park Lane and Wheatley Road provide a clear and logical physical boundary to the main part of the settlement and ribbon development in the form of three bungalows would present an incongruous and marked change that would be at odds with the defining characteristics of the countryside setting of Two Dales.
- 7.14 Although the application will utilise the existing access and the applicant has pointed to the retention of the existing boundary vegetation, the requisite visibility splay recommended by the Local Highway Authority will require the removal of any vegetation within this splay above the height of the existing boundary wall. The implications of this are unclear. Nevertheless, intermittent views of the site are experienced within existing gaps when travelling along this section of Wheatley Road, which are more evident in the winter months. There will therefore be views of the development that will be at odds with the area and have an unacceptable urbanising effect.

- 7.15 The adverse effects of the development on the rural character of the area and local landscape weighs against the development and conflicts with the requirements of policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and policy NP16 of the Darley Dale Neighbourhood Plan (2020).

Heritage impact

- 7.16 Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) deals specifically with protecting the historic environment and advises that the District Council will conserve heritage assets in a manner appropriate to their significance.
- 7.17 The site is located in close proximity to The Cottage, a Grade II listed stone cottage dated 1704 located on the opposite side of Wheatley Road at the junction with Park Lane. The comments received from the Derbyshire Dales District Council Conservation Officer raise concerns with regard to the lack of protection afforded to the substantial tree and hedge planting along the boundary of the Grade II listed building and the frontage of the application site which provides intervening screening. It is, however, acknowledged that the applicant is open to a condition to retain this planting unless subsequently agreed with the District Council.
- 7.18 Notwithstanding the above, the history and understanding of the listed building is intrinsically connected to its setting. Whilst it is appreciated that that setting of the listed building in this case has already been eroded by development to the south and west, the area to the east of the site is relatively unspoilt. As concluded by the Design and Conservation Officer “an overtly urbane, modern, housing layout that would appear anomalous on this eastern side of Wheatley Road” and is deemed to result in harm to the setting of the heritage asset. Having regard to the existing degree of erosion to the setting mentioned above it is considered that the harm caused by the proposed development in this case would be less than substantial harm in NPPF terms.
- 7.19 In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting to satisfy the duty under s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is recognised in the National Planning Policy Framework (2021). Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.20 Paragraph 202 of the National Planning Policy Framework (2021) states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”
- 7.21 In this case, the less than substantial harm to the setting of the Grade II listed cottage is not deemed to be outweighed by the relatively modest benefits to be derived from the delivery of 3 open market dwellings. Although reference is made to the dwellings incorporating a sustainable approach to energy, the appearance of the development is a reserved matter and such benefits are not considered to constitute an overriding public benefit to justify the harm identified.
- 7.22 The views of the development and potential future loss/removal of un-protected trees on the east side of Wheatley Road would compromise the setting of The Cottage and be contrary to policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).

Highway considerations

- 7.23 Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017) states the “The District Council will seek to ensure that development can be accessed in a safe and sustainable manner”. The application proposes a new access point taken off the eastern side of Wheatley Road to serve the 3 proposed dwellings.
- 7.24 It is noted that concerns have been raised by Local Residents with regard to the safety of highway users following the introduction of three new dwellings accessed off the narrow lane. In this case however, the Local Highway Authority have assessed the application and have deemed that there are unlikely to be any adverse impacts on the safety of highway users subject to planning conditions. On this basis, the development is considered to be in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on landscape features, biodiversity and wildlife

- 7.21 The application has been submitted alongside a Preliminary Ecological Assessment which following comments received from Derbyshire Wildlife Trust does not raise any concerns with regard to protected species on site subject to a condition securing a Method Statement for site clearance in the interest of safeguarding reptiles on site.
- 7.22 The submitted planning statement also outlines that through further planting on site a biodiversity net gain can be achieved as part of the development. It is considered that precise details of the measures to achieve a net gain on site could be secured by condition. On this basis the development is considered to be in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

Flood risk and drainage

- 7.23 Whilst concerns have been raised by local residents with regard to the potential flooding of the site, the site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding. There is not currently any evidence to suggest that water could not be satisfactorily drained from the site. Appropriate surface water and foul drainage connections will need to be made to satisfy building regulation requirements. Such provisions will ensure that localised flooding from the development will not result / be exacerbated by development on the site.

Conclusion

- 7.24 The application proposes the construction of 3 dwellinghouses beyond the eastern edge of Two Dales. Whilst the Adopted Derbyshire Dales Local Plan includes provisions where the District Council cannot demonstrate a 5 year housing land supply which allows for edge of settlement development, this must be considered in accordance with other relevant policies within the Local Plan. In this case, the development would present an incongruous and marked change in character that would be at odds with the defining characteristics of the countryside setting of Two Dales and would result in less than substantial harm to the setting of The Cottage, a Grade II listed building. The development is therefore contrary to policies S1, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) and policy NP16 of the Darley Dale Neighborhood Plan (2020).
- 7.25 It is acknowledged that the District Council cannot currently demonstrate a 5 year housing land supply at this time. However, as harm has been identified to a designated heritage asset footnote 7 of paragraph 11(d) of the NPPF indicates that the tilted balance in favour of development under paragraph 11(d) does not apply. Notwithstanding this, the Local Planning Authority consider that the adverse effects on the character and appearance of

this part of the countryside and the local landscape would significantly and demonstrably outweigh the modest benefits to be derived through the construction of 3 market dwellings in this case. A recommendation of refusal is put forward on this basis.

8.0 RECOMMENDATION

That planning permission be refused for the following reasons:

1. The provision of 3 no. dwellinghouses on the site would be at odds with the prevailing character of development on the eastern side of Wheatley Road and result in significant harm to settlement pattern and the local landscape / defining characteristics of the countryside setting of Two Dales. The development would therefore be in direct conflict with policies S1, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017), policy NP16 of the Darley Dale Neighborhood Plan (2020) and the National Planning Policy Framework (2021).
2. The proposed development would be on land which forms part of the setting of the adjacent grade II listed building 'The Cottage' dating from 1704. The loss of part of this historic setting would be harmful to the authenticity of the surroundings to the listed building thereby causing less than substantial harm to its significance that would not be outweighed by the public benefits to be derived. The development would therefore conflict with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).

9.0 NOTES TO APPLICANT:

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

This decision notice relates to the following documents:

Design and Access Statement

Ecological Survey

Heritage Statement

Tree Schedule Survey

001 – Site Location Plan

002 – Site Plan as Existing

003 – Site Plan

004 – Access Plan

THL-1085 – Tree Constraints Plan

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22/01113/FUL

Stables, The Old Mill House, Bradbourne



Derbyshire Dales DC

1:1,250

Date: 11/01/2023

100019785

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APPLICATION NUMBER		22/01113/FUL	
SITE ADDRESS:		Stables, The Old Mill House, Bradbourne	
DESCRIPTION OF DEVELOPMENT		Conversion of stables to form 1no. holiday let and erection of attached agricultural building	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANTS	Sandra and David Potter
PARISH	Bradbourne	AGENT	Lathams
WARD MEMBERS	Cllr. J. Rose	DETERMINATION TARGET	25 th November 2022
REASON FOR DETERMINATION BY COMMITTEE	Considered sensitive by the Development Manager	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the proposed development in its context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Policy principle • Whether the building is worthy of conversion and the impact of the proposed conversion on the character and appearance of the building and the setting of the historic complex of Listed buildings • Amenity • Highway matters • Ecology • Climate change

RECOMMENDATION
Refusal

1. THE SITE AND SURROUNDINGS

- 1.1 Bradbourne Mill comprises of an enclave of three separately listed buildings (grade II, listed 1983) – the Mill House, Mill Buildings and the Water Mill, together with a curtilage listed building at the southern end of the complex. All the listed buildings date from the late 18th/early 19th century. The Bletch Brook runs through the site. All of the service buildings were converted to residential use (the mill house having an established residential use) in the early 2000s.
- 1.2 The application relates to the ‘stable’ block which is located to the northern side of the Mill House. This single-storey, rectangular, timber clad (horizontal waney-edged oak) and a solid/blank clay tiled roofed outbuilding was approved in 2007. On the eastern side of the stable block is a lean-to car port but this element did not feature as a part of the approved stable block.





2. DETAILS OF THE APPLICATION

- 2.1 Planning permission (ref: 05/00726/FUL) was granted for a stables building in 2007 and they were erected shortly thereafter. As this is a newer build, it is not deemed a curtilage listed building but is nevertheless in the setting of listed buildings at Bradbourne Mill.
- 2.2 The proposed development is the conversion of the stable block (with internal mezzanine and garden room extension on the eastern side) to form 1no. holiday let and the erection of an attached agricultural building (storage building) off the northern elevation of the stable building.
- 2.3 The existing stable block has three blank sides (north, east and south). Its principal elevation faces west and contains a pair of solid timber boarded doors on the right hand side and two stable doors, and associated small windows, to the recessed front section. On the west elevation it is proposed to retain the two large timber doors but infill the large opening with fully glazed windows. It is proposed to block one of the stable doors and use the other as the entrance door to the holiday-let. The south elevation is to remain blank. The rear roof slope of the stable block is proposed to have two conservation rooflights and a flue pipe. An air source heat pump is also proposed adjacent to the east wall of the stable building.
- 2.4 On the east elevation it was proposed to remove a large section of the rear wall and erect a 'garden room' extension which would essentially replace an existing open ended lean-to structure. This was initially proposed to have a flat (sedum) roof abutting above the existing eaves line. Its side walls were to be solid and timber clad (to match the rest of the building) and the east wall of the extension was proposed to be fully glazed set behind a series of five vertical timber fins or supports. However, further to discussion, this has been amended to make the extension appear more architecturally contiguous with the existing building. To this end, a catslide roof has been introduced, extending from the roof of the stable building.

- 2.5 The side elevations are proposed to have bi-fold doors and the rear (east) elevation to now be solid. This is to contain the extension within the area between the building and the historic field hedge. The conversion would provide for a living room/kitchen, w.c and utility, with a garden room in the proposed rear extension. The first floor is proposed to contain a bedroom, bathroom and a void overlooking the living area.
- 2.6 It is proposed to erect an attached, storage building onto the northern gable end of the stable block. This is to be a linear, rectangular, building with eaves and ridge matching the stable block (the footprint itself being slightly set back). It is proposed to be timber clad (to match the stable block building). On its western (principal) elevation, it is to have two pairs of double doors (solid boarded doors), a solid boarded pedestrian door and a small window. The north gable end is to be blank. The rear (east) elevation is to have a pair of solid boarded double doors. The roof proposed is to be laid with matching clay tiles.
- 2.7 The building is proposed to accommodate a compact tractor, lawn tractors and a trailer, along with a repair and maintenance area, with a work bench, a store which can be utilised for sheep/chickens, a wc and further storage space. The equipment is needed for the maintenance of the land around Bradbourne Mill and the agricultural land in the applicants' ownership.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - S9 Rural Parishes Development Strategy
 - PD1 Design and Place Making
 - PD2 Protecting the Historic Environment
 - PD3 Biodiversity and the Natural Environment
 - PD5 Landscape Character
 - PD6 Trees, Hedgerows and Woodlands
 - PD7 Climate Change
 - HC8 Conversion and Re-use of Buildings for Residential Accommodation
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards
 - EC1 New Employment Development
 - EC8 Promoting Peak District Tourism and Culture
- 3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)
- 3.3 Derbyshire Dales District Council Conversion of Farm Buildings Supplementary Planning Document (2019)
- 3.4 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)
- 3.5 National Planning Policy Framework
- 3.6 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

05/00730/LBALT Alterations to listed building - Conversion of mill building and 2 no. barns to form 4 no. dwellings – Granted

05/00729/FUL Change of use and conversion of mill building and 2 no. barns to form 4 no. dwellings, alterations to access, formation of new access, parking area, construction of culvert and associated engineering operations - Granted

05/00726/FUL Erection of stables building - Granted

5. CONSULTATION RESPONSES

Parish Council

5.1 - no comments received.

Environment Agency

5.2 - will not be making any formal comment on the submission as the development falls within flood zone 1 and have no fluvial flood risk concerns associated with the site
- there are no other environmental constraints associated with the application site which fall within the remit of the Environment
- suggest advisory note regarding foul drainage.

Local Highway Authority (Derbyshire County Council)

5.3 - no objection.

Design and Conservation Officer (Derbyshire Dales District Council)

5.4 - no objection in principle but suggest amendments to the proposed development and conditions on any grant of planning permission.

Environmental Health (Derbyshire Dales District Council)

5.5 - no objection
- to prevent noise nuisance work should be carried out at a reasonable time, not starting before 8am or finishing after 6pm. Work should not be conducted on bank holidays, public holidays or Sundays.

6. REPRESENTATIONS RECEIVED

6.1 None.

7. OFFICER APPRAISAL

Introduction

7.1 The matters for consideration are the policy principle, the impact of the proposals on the character and appearance of the stable building, the impact of the proposed agricultural building and the overall impact on the setting of the historic complex of listed buildings to the south. Other matters are highway impacts, ecology and climate change.

Policy principle

- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2021) is a material consideration in respect of this application.
- 7.3 The site is located within the countryside in the Adopted Derbyshire Dales Local Plan (2017). Policy S1 (Sustainable Development Principles) advise 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 wherever possible. It also states that development should conserve and, where possible, enhance the distinct Peak District character, the natural and historic environment, including the setting of settlements, both within the Plan area and its surrounding areas including the Peak District National Park in accordance with Policies S4, PD1, PD2, PD5 and EC8 where it relates to development in the countryside.
- 7.4 Policy S4 (Development in the Countryside) advises that outside defined settlement development boundaries, the District Council will seek to ensure that new development protects and, where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development. The policy supports the sustainable growth of tourism in sustainable locations where needs are not met by existing facilities. Part n) advises in the case of proposals to re-use an existing building or buildings that are capable and worthy of conversion that such development will involve a building that positively contributes to established local character and sense of place.
- 7.5 Policy EC8 (Promoting Peak District Tourism and Culture) also seeks to strengthen the tourism role of the Plan area by supporting and supplementing the tourism offer of the Peak District National Park, with development which is appropriate to the settlements and countryside and consistent with environmental objectives. It is recognised that this can be achieved by enhancing existing serviced accommodation in the countryside through the reuse of existing buildings.
- 7.6 Policy PD1 requires development to be high quality that respects the character, identity and context and contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features.
- 7.7 Policy PD2 advises that the District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to designated and non-designated heritage assets and their settings; the stable building is within the wider curtilage of the Bradbourne Mill complex of listed buildings.
- 7.8 The District Council's Conversion of Farm Buildings Supplementary Planning Document (2019) seeks to preserve the character and appearance of any farm buildings that are proposed for conversion. It also advises that extensions or additions shall be designed to respect and harmonise with the existing building in terms of the form, shape, character, size, scale and massing. It goes on to state that extensions shall be subservient in their size, scale, form and massing to the original, principal farm building.

- 7.9 Policy PD5 (Landscape Character) advises that the District Council will seek to protect, enhance and restore the landscape character of the Plan area, recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan area. The protection of the rural landscape is also reflected upon in the District Council's Landscape Character and Design Supplementary Planning Document (2018).
- 7.10 Policy PD3 (Biodiversity and the Natural Environment) advises that the District Council will seek to protect, manage, and where possible enhance the biodiversity and geological resources of the Plan area, and its surroundings, by ensuring that development proposals will not result in harm to biodiversity or geodiversity interests.
- 7.11 Policy PD7 (Climate Change) seeks to ensure that any development seeks to mitigate against its carbon footprint. This is reflected upon in more detail in the District Council's Climate Change Supplementary Planning Document (2021).
- 7.12 Policy HC8 permits conversions of existing buildings to dwellings provided that the building is of permanent and substantial construction, the form, bulk and general design of the building makes a positive contribution to the character and appearance of its surroundings, it can be converted without extensive alteration, rebuilding or extension and conversion does not have a detrimental impact upon the character and appearance of the building and its surroundings. However, it has been advised by a Planning Inspector in determining recent appeal decisions at Millfield Farm Cottages, Kirk Ireton that this policy cannot be relied upon when considering conversion to holiday let accommodation, despite this being a form of residential development. Similar provisions are, however, included at policy S4 n) in respect of the re-use of buildings in the countryside.
- 7.13 Taking the above into consideration, the above policies allow for the conversion of buildings that positively contribute to established character, to holiday lets within the countryside. In the case of new tourism development plan policy, as confirmed in recent appeal cases requires that proposals are supported where they are appropriate to the countryside and environmental objectives. These provisions align with paragraphs 84 and 85 of the National Planning Policy Framework (2021) supports the sustainable growth of businesses, including rural tourism.
- 7.14 In this particular case the stable building is located within the countryside, outside of any settlement development boundary. In response to the recent decision of the Planning Inspectorate to dismiss an appeal for the conversion of a workshop building within a complex of holiday lets at Millfields Farm Cottages, Kirk Ireton (APP/PI045/W/22/3298112) the applicant advises that the site is a mile from the villages of Tissington and Parwich, and two miles from Brassington.
- 7.15 Addressing officers concerns relating to sustainability of location and access to services and facilities by a variety of different transport methods the applicant advises that site links to Tissington Trail to the west and, via a track, to Carsington in the east. The owners encourage the use of these routes by attaching details of 'car free days out' to their arrival information, including bus links/times to Bradbourne and Tissington should they wish to walk to the bus stop close to Bradbourne Mill. They also provide information on local coach services for trips in and around the Peak District. There are electric vehicle (EV) charging facilities on site which are offered to both guests and staff, as well as opportunities to hire both E-Bikes and normal bicycles, along with information on bus times.
- 7.16 Notwithstanding the above and as recognised in respect of appeal case APP/PI045/W/22/3298112, tourists have different needs to those typically expected for occupiers of a dwelling. The likely needs, or at least wants, of a tourist would be directed towards attractions and hospitality venues. However, they are likely to also need access to

shops, including food shops, in order to purchase gifts, souvenirs, and food to cook when not eating out.

7.17 Whilst the building exists, and will extend the tourism offer already provided on site through the conversion of the former mill buildings, the lack of ready access to services and facilities, given the limited bus service that operates in the area and distances involved, is such that the future occupants of the accommodation would be reliant on the private motor vehicle to access the site and attractions and basic services and facilities. The development would therefore be contrary to the locational strategy for tourist facilities and would conflict with Policies S4 and EC8 of the Adopted Derbyshire Dales Local Plan (2017) and the strategy for rural development set out in the National Planning Policy Framework as summarised above.

Whether the building is worthy of conversion and the impact of the proposed conversion on the character and appearance of the building and the setting of the historic complex of Listed buildings

7.18 The applicant entered into pre-application discussions with Officers where it was advised that the proposed conversion of the stable building may be acceptable, subject to justification and matters of design detail. The appropriateness of conversion and sustainability of location is a matter of judgement.

7.19 The applicant recognises that the stable is relatively modern and sits in an elevated position, close to the Old Mill House. The applicant is of the view that the simple form and timber clad nature of the stable building means that, whilst it does not have historical significance, it appears as an attractive rural building, complementing the existing cluster of historic buildings at Bradbourne Mill.

7.20 Part n) of Policy S4 states, in the case of proposals to re-use an existing building or buildings that are capable and worthy of conversion, that such development will involve a building that positively contributes to established local character and sense of place. This recognises that the contribution of a building to its surroundings can override unsustainable development in location terms in the countryside and aligns with the National Planning Policy Framework (2021).

7.21 Whilst noting that the building is of permanent and substantial construction, with a tiled roof and timber clad walls, it is a relatively modern building that sits within the Bradbourne Mill complex and is functional in its appearance and relationship with the complex of buildings at Bradbourne Mill. Whilst the stable building is no longer required for the stabling of horses, there is clearly a need for storage and the application seeks permission for a new storage building, a function which this building could continue provide (which is currently its principal use). Considering the development in the round and having regard to the findings of the appointed Inspector in respect of appeal case APP/PI045/W/22/3298112, the building which was erected at a similar time to the conversion of the historic buildings by the site developers and has a simple functional appearance, is not considered to positively contribute to established local character to justify its conversion as an exception to sustainability considerations in location terms.

7.22 Notwithstanding the above, if Members considered the development to constitute acceptable re-use of the building in principle, officer's assessment of the conversion and extension proposals and impact on the character and appearance of the building and surroundings as it currently exists is as follows.

Conversion

- 7.23 The alterations proposed to the building, with the amendments that have been made to the extension to replace the current lean-to would preserve its functional appearance. However, this is subject to further details being required and controls, to prevent harm to the setting of the grade II listed buildings. This includes the need for full details of the proposed glazing design, materials, detailing and recess to the large opening on the west elevation.
- 7.24 It is noted that the existing timber doors are to remain in-situ as 'shutters.' It is proposed to replace the stable door (which is to become the entrance door to the holiday let) but the initial design of the replacement door was considered inappropriate and out of character with the building. To this end, this has been replaced with a stable type door which is considered to be a more appropriate response.
- 7.25 It is proposed to block the other stable door opening. However, details of this were unclear. The proposals have been amended in order that the current stable door is retained and only blocked from the inside. The 'utility' room is proposed to be accessed from the interior and it was considered that there was no requirement to form/create an additional external door in the east elevation; this has been removed with the amended proposals.
- 7.26 The proposed inclusion of three rooflights was considered excessive and over-domesticating in character to the building type and design but the proposed rooflight over the living room 'void' has now been omitted. The proposed flue pipe is considered acceptable and the applicant has detailed on the amended drawings that this will be painted black.

Garden Room Extension

- 7.27 Whilst a lean-to exists on the rear of the building, this does not benefit from planning permission. This is essentially proposed to be replaced in the form of a 'garden' room and the extension has been amended to so that it is of a more simple appearance, that does not over domesticate the building and its setting. This is also required as the hedgerow to the rear marks, and is the remains of, an historic field boundary.

Agricultural Storage Building

- 7.28 Setting aside the appropriateness of conversion of the stable building and the storage that this building can continue to provide, it is considered that, in its proposed location, set-back, linearity and matching external materials and details, the proposed storage building is an acceptable addition to the northern end of the stable block in principle, should members be minded to approve this element of the application.

Amenity

- 7.29 There are no dwellinghouses in close proximity to the application site and the Bradbourne Mill complex is now fully in the applicant's ownership as a dwellinghouse and holiday lets. To this end, it is considered that the use of the stable building itself would not have an impact on amenity and nor would the works to undertake the conversion of building and to erect the additional structures.

Highway Matters

- 7.30 The Local Highway Authority has raised no objection to the proposals.

Ecology

7.31 Whilst the proposal is to convert the building, it is considered from the pre-application site visit made inside the building by the Case Officer that the building does not house bats or other protected species. In terms of biodiversity, an existing hedge to the rear of the site is now sought to be protected and the overall development will not lead to a loss in biodiversity.

Climate Change

7.32 Policy PD7 and guidance contained in the District Council's Climate Change Supplementary Planning Document (2021). To this end, the applicant is proposing a re-use of an existing building and proposes a discreet air source heat pump to assist with heating the building. It is considered that this goes some way to meeting the carbon footprint of the development. The agricultural building and the extension are also proposed to be of timber facing which is a sustainable material. Given the above, it is considered that the proposal has sought to address the aims of Policy PD7 and the District Council's Climate Change Supplementary Planning Document.

Conclusion

7.33 It is recognised in this case that whilst the proposal would extend the holiday let accommodation offer at the site, provide some additional employment and have some knock on effects to local businesses and support local tourism generally, the scale of the development is such that these benefits are limited. The unsustainable location of the site and lack of ready access to services and facilities, given the limited bus service that operates in the area, availability of infrastructure and distances involved is such that the future occupants of the accommodation would be reliant on the private motor vehicle to access the site and attractions and basic services and facilities. The development would therefore be contrary to the locational strategy for tourist facilities and would conflict with Policies S4 and EC8 of the Adopted Derbyshire Dales Local Plan (2017) and the strategy for rural development set out in the National Planning Policy Framework.

7.34 It is not considered that the stable building, which was erected at a similar time to the conversion of the historic buildings by the site developers makes a positive contribution to established local character to justify its conversion as an exception to sustainability considerations in location terms in this case. It is recommended that the application be refused for these reasons.

8. RECOMMENDATION

That planning permission be refused for the following reason:

1. The proposed development involves the conversion of a modern stable building, remote from and with poor access to basic services and facilities for use as a holiday let. The development does not constitute sustainable rural tourism or involve the conversion of a building that makes a positive contribution to its surroundings to warrant conversion to such use in the countryside. The development would therefore be contrary to Policies S4, PD1 and EC8 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework (2021).

NOTES TO APPLICANT:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.⁵⁴

2. This decision notice relates to the following documents:

Amended Drawing Nos. 7504-LAT-XX-XX-DP-A-1200-A1-P04, 7504-LAT-XX-XX-DP-A-1400-A1-P05, 7504-LAT-XX-00-DP-A-2200-A1-P04, 7504-LAT-XX-01-DP-A-2201-A1-P04, 7504-LAT-XX-XX-DE-A-3200-A1-P03, 7504-LAT-XX-ZZ-DS-A-4200-A1-P03 received on 2nd December 2022

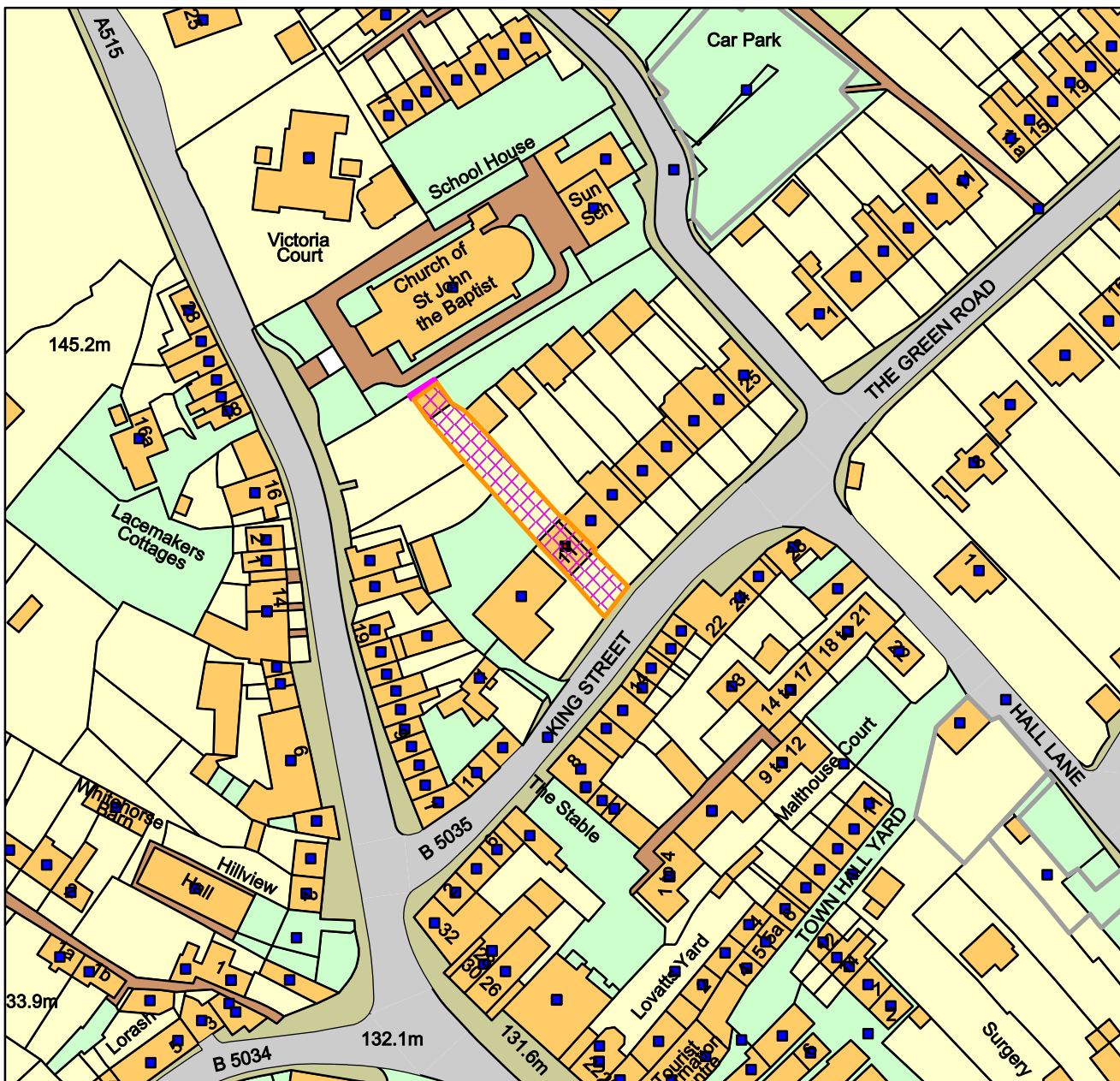
Design and Access Statement received on 30th September 2022

Additional Information received on 10th January 2023.

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22/00910/FUL

11 King Street, Ashbourne



Derbyshire Dales DC

Date: 11/01/2023

100019785

1:1,250

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

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APPLICATION NUMBER		22/00910/FUL	
SITE ADDRESS:		11 King Street, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Single storey rear extension	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr and Mrs King
PARISH/TOWN	Ashbourne	AGENT	Darren Archer
WARD MEMBER(S)	Cllr S Bull Cllr S Lees	DETERMINATION TARGET	30 th September 2022
REASON FOR DETERMINATION BY COMMITTEE	Called in by Cllr Lees	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES

- Impact on street scene and character
- Impact on the amenity of neighbouring occupants.

RECOMMENDATION

To grant permission with conditions

1.0 THE SITE AND SURROUNDINGS

1.1 The site is located just north east of the centre of Ashbourne with the Conservation Area boundary opposite the site in the centre of King Street. The dwelling is the end property on a Victorian terrace with identical three and a half storey properties with double height bay windows. The lower bay window serves a basement area and is screened by the existing raised front garden enclosed by a 2m stone wall adjacent to the pavement. There is a gated access with steps up to the front door and an alleyway between properties provides access to the rear of properties. Vehicle access is via Auction Close to the rear where properties have single garages. Adjacent to the south western boundary is a jewellery and watch workshop that has some frontage parking and a main car park to the rear. Ashbourne Baptist Church is visible adjacent to the rear boundary.



2.0 DETAILS OF THE APPLICATION

2.1 Planning permission is sought for a single storey flat roof extension to the rear of the property measuring 6.36m x 6.1m with a height of 3.37m. The dormer in the rear roof slope, dropped kerb and parking space to the front have been removed from the application as shown on the amended plans.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017
S3 Development within Defined Settlement Boundaries
PD1 Design and Place Making
HC10 Extensions to Dwellings

3.2 Ashbourne Neighbourhood Plan 2021
DES1 – Design

- 3.3 Other:
The National Planning Policy Framework (2021)
National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

5.1 Highways Authority

King Street is a classified road and in order to construct the access significant land would need to be removed from the frontage of the property. The property already benefits from off road parking, served from a service road at the rear of the property, the service road is also accessed from a non-classified road rather than the classified nature of King Street. In view of this the Highway Authority would recommend that off road parking remain from the service road and the access be removed from the proposed scheme. They advocate that access were possible is taken from the lower classification road. It is also not clear whether the required visibility sightlines of 2.4m x 43m could be achieved onto King Street and there is insufficient space to provide any manoeuvring space to enable vehicles to enter and exit the classified highway in a forward gear. As submitted the application is open to highway objections, should the access and parking onto King Street be removed from the scheme there are no highway objections to the property extensions.

5.2 Ashbourne Town Council

Members feel that this is not in-keeping with the street scene and character. The dropped kerb will result in loss of street parking and the property has a parking space to the rear. No objection to the dormer extension to the attic bedroom.

Cllr S Lees

- 5.3 Requested the application be brought to the committee due to the size of the extension and the impact on the street scene with the access.

6.0 REPRESENTATIONS RECEIVED

6.1 Five representations have been received and are summarised below:-

- a) The proposal is out of character and not in keeping with the rest of the properties in the Victorian Terrace built in 1881 or the street.
- b) The access and egress of vehicles using the front proposed drive-in would be a potential high risk hazard.
- c) The drive-in would be very close to a blind bend on a very busy street.
- d) Pedestrian visibility from the parking space is limited and may be dangerous.
- e) King Street has a high volume of traffic with HGV and school traffic.
- f) Existing garages are provided for the terraced properties off Auction Close.
- g) The rear extension is very large and the flat roof is not in keeping.
- h) The dormer is very large and is not in keeping with the rest of the terrace.
- i) The front parking area is not in keeping with the terrace and would ruin the character.
- j) Aesthetically, it would spell the end of this lovely terrace of nineteenth century town houses, with their original front retaining wall, steps and pretty gardens.
- k) The loss of the old stone wall fronting King Street would be detrimental to the whole of the street.
- l) The boundary wall is a historic part of Ashbourne and such be retained.

7.0 OFFICER APPRAISAL

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

- Impact on street scene and character
- Impact on the amenity of neighbouring occupants.

Impact on street scene and character

- 7.2 Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings. Policy HC10 supports extensions to residential properties provided that the plot size is large enough to accommodate the extension, the height, scale, form and design of the extension is in keeping with the scale and character of the original dwelling (taking into account any cumulative additions), and the site's wider setting and location. Together with provision of sufficient space for parking that would not detract from the character of the area.
- 7.3 The removal of the majority of the front garden in order to provide a car parking space on the frontage was not considered to respect the character of this historic terrace and would be harmful to the street scene on a street where properties opposite are within the Conservation Area. The removal of the wall and creation of parking would therefore harm the character of the property and the area. On this basis, this element of the scheme is not considered acceptable and has been removed from the application. The dormer window to the rear elevation has also been removed from the application.
- 7.4 The rear of the properties sit at a much lower land level than the rear gardens, outbuildings and Auction Lane and as such they are not visible from public vantage points. The proposed extension therefore would only have a limited impact upon public vantage points and would not harm the setting of the Conservation Area. The plot size is large enough to accommodate the extension and there are no concerns about the height or scale of the extension in design terms. There are some concerns about the proposed flat roof form, however, the portion of the extension to the rear and use of matching materials would mitigate this to a degree. The first floor windows would be retained and the side elevations would appear subordinate in terms of height and scale.
- 7.5 The proposed rear extension would be slightly larger than allowed without planning permission under permitted development regulations which allow single storey rear extensions within the parameters of 6m in length and 3m subject to a prior notification process where the Local Planning Authority can only consider impact of the development upon amenity of adjoining properties, if objections are received in writing. This is a material consideration as a fall-back position available to the applicant subject to consideration of impact upon amenity.

Impact on the amenity of neighbouring properties

- 7.6 The rear gardens of the terrace are open with no boundary treatments demarking ownership. The adjoining property is No.13 to the north east. The closest openings to the proposed extension at this property are the back door and a window to a non-habitable room adjacent to the central alleyway. No windows are proposed on the side elevation of the extension and the extension would not be within the 45 degree angle from the patio doors serving the lounge of No.13. The proposed extension therefore would not be overbearing or result in any significant loss of light or privacy to any neighbouring property.

- 7.7 There is a commercial premises to the south west with the extension replacing the existing 2m high boundary wall which is considered an acceptable relationship.
- 7.8 To conclude, through negotiation the frontage parking element of the scheme was removed due to the Highway Authority's objection together with its detrimental impact on the character of the street. The rear dormer was removed at the applicant's request. The proposed single storey extension is considered to be acceptable in terms of its design and scale and would not cause any significant adverse impact on the residential amenity of the neighbouring properties.
- 7.9 The application therefore is in accordance with policies S3, PD1, PD2 and HC10 of the Adopted Derbyshire Dales Local Plan and policies DES1 and AH1 of the Adopted Ashbourne Neighbourhood Plan. In the absence of any further material considerations the application is recommended for approval, subject to conditions.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason:

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

2. This development hereby permitted shall not be carried out other than in accordance with amended plans 02F and 03B received by the Local Planning Authority on the 15.12.2022, subject to the following condition.

Reason:

For the avoidance of doubt and in the interests of the proper planning of the area.

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

Reason:

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

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the frontage parking and dormer addition.

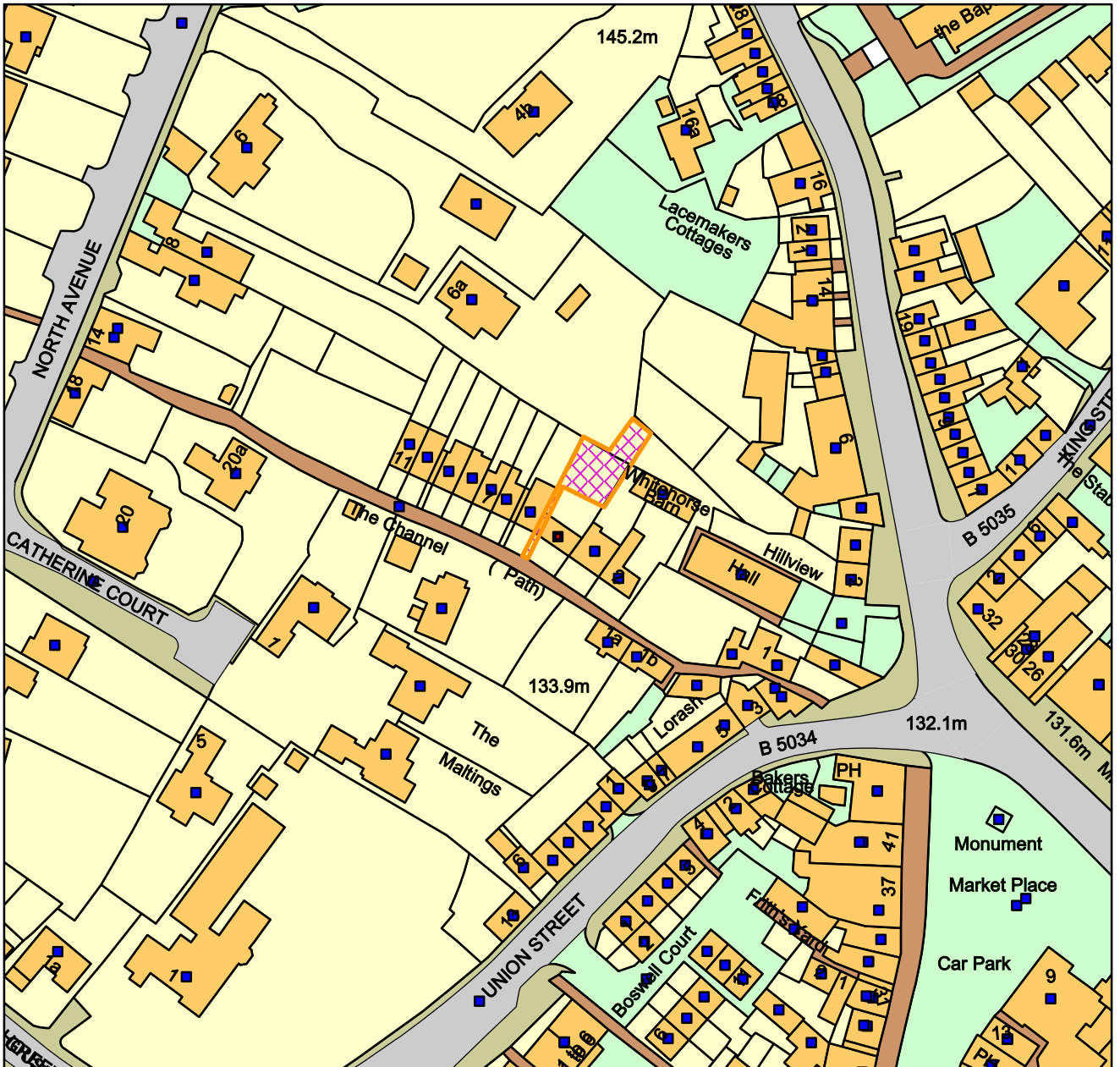
The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development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

retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This permission relates solely to the application plans 01B, 02F, 03B.

22/00799/FUL

4 The Channel, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 11/01/2023

100019785

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APPLICATION NUMBER		22/00799/FUL	
SITE ADDRESS:		4 The Channel, Ashbourne.	
DESCRIPTION OF DEVELOPMENT		Erection of bungalow	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr A Eacott
PARISH/TOWN	Ashbourne	AGENT	Mr Nigel Gould - Heatons
WARD MEMBER(S)	Cllr S Lees Cllr S Bull	DETERMINATION TARGET	11 th October 2022
REASON FOR DETERMINATION BY COMMITTEE	5 Objections	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Design and character - Impact on residential amenity - Highways Issues

RECOMMENDATION
Planning permission be granted with conditions

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located just north west of the Market Place in the centre of Ashbourne. The site forms part of the rear garden of 4 The Channel which is part of a long Victorian terrace which is accessed from the footpath to the front that links with North Avenue to the North West. The properties have long rear gardens with extensions and outbuildings within them and to the rear of No's 2 and 3 is Whitehorse Barn converted to residential from its former use as a Scout Hut. The site is outside but adjacent to the Ashbourne Conservation Area.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the erection of a one bedroom 'L' shaped bungalow 9.8m from the rear of No.4 with pedestrian access only via the existing 1m wide passageway between No's 4 and 5. The proposed property would be sub-divided with a fence or wall and the property would be provided with a 2.2m front garden which would incorporate a ramp and steps while retaining a 7.6m rear garden for No.4. The bungalow would have a gabled roof with a height of 2.3m to eaves and 4.2m to ridge. The south eastern elevation adjacent to the boundary with Whitehorse Barn would be blank, as would be the north western elevation nearest to the boundary with No.5. Patio and bi-fold doors would serve the bedroom and sitting room on the rear of the property facing the garden area and the trees over the boundary. The submitted topographical survey shows the land level of the site to be similar to the level of the rear garden of No.4 immediately to the rear of the dwelling and this is 2.4m higher than the stop level on Whitehorse Barn nearest the north western boundary.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S3 Development within Defined Settlement Boundaries
PD1 Design and Place Making
PD2 Protecting the Historic Environment
PD6 Trees, Hedgerows and Woodlands
PD7 Climate Change

Ashbourne Neighbourhood Plan 2021

3.2 HOU1 – Housing Mix
DES1 – Design
AH1 – Ashbourne Heritage
TRA1 - Transport

3.3 Other:

The National Planning Policy Framework (2021)
National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

Ashbourne Town Council

5.1 Object as members stated that there is no vehicular access to the property or for construction vehicles. There is a shared access between number 3 and 4 The Channel.

Highways Authority

Initially concerns were raised regarding the lack of a vehicular access for construction purposes. The agent has confirmed that the applicant owns No.4 The Channel and is confident that the dwelling could be constructed using a mini digger that can access the site through the passageway. All materials would be man handled to site. The applicant is fully aware of the operational difficulties of the site as he has resided there for many years, is a builder by trade and has recently completed the conversion works on Whitehorse Barn. On the basis of this additional information the Highway Authority raise no objections.

6.0 REPRESENTATIONS RECEIVED

6.1 Five letters of objection have been received and are summarised below:-

- a) The only way to get materials to the site and spoil away is via The Channel which is pedestrian only.
- b) The use of The Channel for construction would cause disruption to residents and pedestrians that use it.
- c) The Channel is bending and only 1m in places.
- d) Lorries are likely to block the top end of The Channel onto North Avenue as it is the only place for materials to be delivered.
- e) The modern bungalow is not in keeping with the Victorian terrace.
- f) The existing footpath may be damaged.
- g) The height and floor level of the bungalow is not known.
- h) The gaps between no. 4 and 5 and 4 and 6 do not exist.
- i) Any tree removal would involve disturbing bat and barn owl nesting areas.
- j) A hipped roof should face No's 5 and 6 and materials in keeping with surrounding properties.

- k) A time limit on the length of construction is required together with cleaning of The Channel from building materials.
- l) Refuse collection is a concern as bins block the route on bin day.
- m) The removal of the buttress supporting wall of the former toilet block in No. 4 garden that adjoins outbuildings of No. 5 and 6 could effect their stability.
- n) The red line location plan does not include land to the highway and a block plan has not been submitted.
- o) The access shown is shared with 3 and 5 and not in the sole ownership of the applicant.
- p) The location plan should show the other land owned by the applicant in blue.
- q) There is no roof plan.
- r) Existing and proposed land levels have not been submitted and the site sections supplied are incorrect and in fact show an increase in ground levels.
- s) The Local Plan and Neighbourhood Plan have identified little need for 1 bed dwellings.
- t) If the raising of ground levels is proposed this would be visually intrusive and overbearing on No.s 4 and 5 The Channel.
- u) The bungalow would overshadow the rear garden of No.5 and block their view and if the roof was hipped it would be reduced.
- v) The dwelling would overlook Whitehorse Barn.
- w) A construction site compound plan is required.
- x) If the access between No. 4 and 3 is not secure it is a security risk for residents.
- y) There was an old right of way from North Avenue down what is now the driveway of 6A running to the north of the site and past Whitehorse Barn and the Scout Hall.
- z) The site has been filled with materials to increase its land level to higher than that of the level of the hedge on the boundary with 2 Buxton Road.
- aa) The stability of the land for construction is a concern due to the infilling with building materials.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Design and character
- Impact on residential amenity
- Highways Issues

Principle of development

- 7.1 The site is located within the settlement boundary of Ashbourne, a first tier settlement where there is a primary focus for growth and development to safeguard and enhance their strategic roles as employment and service centres. Policy HOU1 of the Neighbourhood Plan identifies that 1 and 2 bed bungalows are needed within the area. On the basis that the site is in a sustainable location within the settlement boundary and therefore the principle of the proposed development is acceptable.

Design and character

- 7.2 Policy S3 states that proposed development should be of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located. Policy PD1 requires all development to be of high quality design that respects the identity and context of townscapes and landscapes. Developments on the edge of settlements should enhance and/or restore landscape character and contribute positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings. Securing good design is also part of the rationale for Policy DES1.

- 7.3 The scale of the dwelling and height respective of the existing properties in the terrace and Whitehorse Barn is appropriate and in keeping with the character of the area. The eaves level at 2.3m is similar in height to the 2m high boundary wall on the north western boundary and the land level of no.5 The Channel is higher as the terraces step up towards the North West, with an eaves height 4.9m higher than the proposed bungalow this further reduces impacts.
- 7.4 The design is a pitched roof dwelling of modest proportions in relation to the plot size and a fence would demarcate the boundaries between the new dwelling and no.4. Adjacent to Whitehouse Barn a dwelling to the rear of the terrace which is enclosed from surrounding areas and not visible from the public realm is considered to be in character of the surrounding area and in accordance with Policies S3 and PD1. Based on land level differences and physical screening of the site the development would not have a harmful impact upon the significance of the adjacent Conservation Area to the north east and thus accords with Policy PD2.

Impact on residential amenity

- 7.5 Policy PD1 requires development to achieve a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. The nearest property is No.4 which is within the same ownership as the application property. The existing 2m high wall on the north western boundary and the erection of a 2m fence to the front of the proposed dwelling would obscure the ground floor windows of the proposed bungalow preventing significantly overlooking between the first floor windows on the rear of No's 4 and 5. Blank elevations are proposed adjacent to the north western and south eastern boundaries and as the eaves height would be only slightly above the existing boundary treatment there would not be a significant impact on light or an overbearing impact on No.5, Whitehouse Barn or No. 3. On this basis the residential amenity of neighbouring properties would not be adversely affected in accordance with Policy PD1.

Highways Issues

- 7.6 The Channel is not a public right of way, however it does link the town centre to Ashbourne Footpath No. 4 which runs between properties on North Avenue directly opposite where the The Channel meets North Avenue and then the route goes North West. The proposed development would not have vehicular access or parking provision in common with nearby properties, access would be limited to pedestrians. The Highways Authority have no objection to the application in this sustainable town centre location where there is access to other modes of transport and they recognise that during construction the only access would be via The Channel and the passageway between properties. Access would be more challenging and labour intensive during construction, however, this is not a reason to refuse planning permission.
- 7.7 The impacts on the existing trees have been investigated and discussed with the Tree Officer and he considers that they do not represent a constraint to development. On this basis the proposed is considered to accord with Policy PD6.
- 7.8 In relation to PD7 Climate Change, no details have been supplied within the Planning Statement and thus a condition is recommended to secure appropriate mitigation of climate change impacts.

Conclusion

- 7.9 The proposed development is in a sustainable location within Ashbourne and is therefore acceptable in principle in accordance with adopted housing policies. The development is an

appropriate design and would conserve the character, appearance and amenity of the local area, the setting of the Conservation Area and the amenity of neighbouring properties. The development would not be served by a vehicular access or off-street parking but this is considered to be in-keeping with the character of the area and appropriate in such a highly sustainable location.

- 7.10 Having had regard to all other matters raised the proposal is considered to be in accordance with the relevant policies of the development plan. It is also noted that the Council is currently unable to demonstrate a five year housing supply and therefore the presumption in favour of sustainable development set out by paragraph 11 of the National Planning Policy Framework also applies. The application is therefore recommended for approval, subject to planning conditions.

WARD MEMBER CONSULTATION:

No written response has been received from the Ward Member(s), within the 21 days before the date on which an application should not be determined, which would otherwise require the application to be presented to the Planning Committee.

DELEGATED DECISION:

Granted with Conditions

CONDITIONS:

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

Reason:

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

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans: Location Plan scale 1:1250 received by the Local Planning Authority on the 5th July 2022, Site Sections received on the 16th August 2022 and Proposed Plans Rev 5 received on the 21st November 2022, subject to the following conditions.

Reason

For the avoidance of doubt.

3. Samples of new materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be constructed in accordance with the approved details.

Reason:

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

4. Details of all new external window and door joinery (including rooflights) and/or metal framed glazing shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details

of heads, cills, lintels, external finish and elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.

Reason:

To protect the external appearance of the dwelling and preserve the character of the area in accordance with policies HC7 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the completion or first occupation of the development hereby approved, the details of which shall include :-
 - a) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - b) means of enclosure including any retaining walls and ramps
 - c) hard surfacing materials;
 - d) timescale for implementation.

The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory landscaped setting for the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. Prior to works beginning on the superstructure a programme for the delivery of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be carried out in accordance with the approved programme.

Reason:

To ensure the delivery of measures to address the requirements of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

7. No development, including preparatory works, shall commence until details of the finished floor levels of the buildings hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason:

To protect the amenities of adjoining properties and the appearance of the area generally in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

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

Reason:

To preserve the character and appearance of the surrounding area and the amenity of occupants of the development and neighbouring properties in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to the submission 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 highways concerns and impacts on trees and land levels.

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

This permission relates solely to the application
Location Plan scale 1:1250
Proposed Plans Rev 5
Topographical Survey 42151_T Rev O
Planning Statement

22/00529/FUL

North Park Farm, Whitworth Road, Darley Dale



Derbyshire Dales DC

1:1,250

Date: 11/01/2023

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

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APPLICATION NUMBER		22/00529/FUL	
SITE ADDRESS:		North Park Farm, Whitworth Road, Darley Dale	
DESCRIPTION OF DEVELOPMENT		Erection of 1. No dwellinghouse	
CASE OFFICER	Sarah Arbon	APPLICANT	Mr G Lowe
PARISH/TOWN	Northwood and Tinkersley	AGENT	Mr A Yarwood
WARD MEMBER(S)	Cllr Buckler	DETERMINATION TARGET	18 th July 2022
REASON FOR DETERMINATION BY COMMITTEE	5 objections	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> - Principle of development - Character and appearance - Highway Safety - Impact on residential amenity

RECOMMENDATION
To grant with conditions

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site is a small plateau of land adjacent to a cluster of dwellings bounded by a stone wall and with open views across the valley to the west. The site sits within a larger area of open land to the west of the stone boundary wall which fronts Whitworth Road. The area to the west of the highway is generally undeveloped open countryside. The site is within the settlement boundary for Northwood as defined by the Adopted Derbyshire Dales Local Plan (2017). Part of the garden of the property known as 'Mole End' is covered by tree protection order (TPO DCC 88/W2) with the nearest protected trees adjacent to the north western corner of the site.



2.0 DETAILS OF THE APPLICATION

- 2.1 Outline planning permission was granted for the erection of a dwelling on this site in early 2018. That permission was outline with all matters reserved for subsequent approval. Two subsequent reserved matters applications (ref: 18/00547/REM and 19/01191/REM) were refused and 19/01191/REM was dismissed at appeal.
- 2.2 The Inspector in the appeal decision concluded that:-

“The dwelling would not provide a traditional styled dwelling as required by the outline permission, which would have an adverse effect on the character and appearance of the area. This would be contrary to Policy S1 of the Local Plan (LP) which requires development to conserve and enhance the distinct Peak District character, and LP Policy S3 which requires development to be compatible with the scale, density, layout and design of its surroundings. It would also be contrary to LP Policy PD1 which requires high quality design that respects the character, identity and context of the local townscapes and landscapes amongst other requirements”.

- 2.3 This application seeks full planning permission for one dwelling. The plans show the proposed dwelling sited towards the northern end of the site with access provided to the south and parking centrally located to the side of the dwelling. The boundary wall to the frontage of the site would be set back to allow for a visibility splay. The dwelling would be a traditional horizontal form with pitched roof, measuring 9.1m by 5.3m, 4.2m to eaves and 6.2m to ridge. The dwelling would be constructed from natural gritstone under a blue slate roof. Features include an off central chimney with stone cills and lintels.
- 2.4 The accommodation as proposed includes a kitchen, dining area / living room, utility and W.C. on the ground floor with three bedrooms, a bathroom and an en-suite on the first floor.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
S2 Settlement Hierarchy
S3 Development within Defined Settlement Boundaries
PD1 Design and Place Making
PD3 Biodiversity and the Natural Environment
PD5 Landscape Character
HC19 Accessibility and Transport
HC21 Car Parking Standards

3.2. Other:

The National Planning Policy Framework (2021)
National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

19/01191/REM – Approval of reserved matters for the erection of 1no. dwellinghouse (outline application 17/00995/OUT) (Resubmission), Refused 20.12.19. Dismissed at appeal 17.06.20

18/00547/REM –Approval of reserved matters for the erection of one dwelling (outline application 17/00995/OUT), Refused 15.08.18 Dismissed at appeal 01.03.19

17/00995/OUT - Erection of dwelling (outline – all matters reserved), granted 19.01.18

5.0 CONSULTATION RESPONSES

Northwood and Tinkersley Parish Council

- 5.1 There is a concern that this applicant has not followed planning processes for this application or others and so assurances are needed from the planning authority that if granted, the conditions are adhered too. The other concern is access on to a narrow, single lane part of Whitworth Road but are happy to leave this for the Highway authority to comment.

Highways Authority

- 5.2 There are no changes to our previous assessment of the similar application on this site in terms the traffic and highways element of this current scheme proposal, i.e. they are aware the speed limit on this section of Whitworth Road is 60mph, however due to the adjacent roads' limited width and general alignment, vehicle speeds are suppressed and around 25mph. Therefore, driver's visibility splays at the proposed access as detailed on the block plan drawing are considered satisfactory and achievable over controlled land. In terms of

traffic impact, the proposal would have a negligible effect on the surrounding highway network during busy development periods. Such traffic movements are likely to be minimal and it is considered the proposal is not anticipated to adversely affect the operation of the surrounding highway network. To conclude there are no objections to the proposed development subject to conditions relating to provision of a construction compound, new access, closure of the existing access, parking and turning provision and no gates

Tree and Landscape Officer (DDDC)

- 5.3 There are mature trees on the site which should be retained and successfully incorporated into the proposed development. They contribute to the character and appearance of the site and its surroundings. There are also tree groups subject to Tree Preservation Order adjacent to the site. Accordingly, it is recommended that an Arboricultural Impact Assessment to BS5837:2012 be required to be submitted for approval. The site is prominent from the adjacent Whitworth Road. Depending on the scale and height of the proposed building it may have the potential to change views from the road out across the Derwent valley which are currently unobscured across the site. Whilst there are dwellings to the East of Whitworth Road at this location, there is less development to the West and so the proposals should be considered to be extending development into the countryside.

Tree Officer (DDC)

- 5.4 The proposed development is adjacent to land under DCC TPO 88/W2. There is a small area of contact between the TPO and the development plot, which is down-bank from the proposed house. To protect the trees in the TPO a Tree Protection Zone of 6 metre radius from the NW corner of the plot would be sufficient to protect tree roots. If the applicant is unable to do this; a Tree Survey, to include trees on neighbouring land, using the BS5837 (2012) methodology, should be provided. This should be accompanied with an Arboricultural Impact Assessment and Method Statement, setting out the Root Protection Areas of trees and the measures to be employed to protect them.

6.0 REPRESENTATIONS RECEIVED

- 6.1 Five letters of objection have been received and are summarised below:-
- a) The site has never been used as a paddock for horses or animals but as a tip.
 - b) The site has been extended and built up with a trail hole necessary to establish the natural ground level.
 - c) There are no heights of the building or driveway relative to existing levels provided.
 - d) Utilising the existing access to the north would have less impact on the character of the area and be less disruptive to residents.
 - e) The plot has a long frontage but little depth and its scale and height would be out of keeping.
 - f) The plans do not show the elevation of the footings of the property with existing properties constructed well below the road level (Mole End to the north is 4m below the road level)
 - g) A section view is required to fully assess visual impact.
 - h) Loss of view of the valley.
 - i) The road is narrow, however, vehicle speeds are above the 25mph stated by the Highways Authority nearer to 40mph,
 - j) There is a concern of safety of pedestrians, cyclists and horses using the road.
 - k) The access is proposed at the narrowest part of Whitworth Road being only 4m wide enclosed by stone walls.
 - l) Permission was refused for Highlands (18/00962/FUL) on highway safety grounds.
 - m) The site should be checked against the settlement boundary.

- n) The design and scale appears large, unduly imposing and not in character with the area.
- o) All properties in the vicinity have footings lower than the road level with the majority only having their roofs visible from the road.
- p) The proposed property would appear a very dominant and prominent feature.
- q) The property is large in relation to the plot size.
- r) The existing hedgerows should be retained.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Character and appearance
- Highway Safety
- Impact on residential amenity

Principle of development

- 7.1 The principle of the erection of a single dwelling on this site was established by the outline planning permission 17/00995/OUT together with the site being wholly within the settlement boundary. The outline planning permission has now lapsed. This application seeks full planning permission in light of the recent applications and the appeal dismissed in June 2020. Therefore, the principle is acceptable, the key issues are whether the scale and design of the dwelling now proposed is acceptable in context with the surrounding area and whether the proposal addresses the Inspector's comments.

Character and Appearance

- 7.2 The design concept discussed at appeal was for a traditional building which was in context with the prevailing character and appearance of the area specifically in respect of the building traditions within the locality and the relationship of building size to the plot size.
- 7.3 Darley hillside is an area of sporadically placed dwellings situated along established contours of the landscape with dwellings either front or side facing onto the highway. The dwellings in the immediately area of the site which make up the character and appearance of the area typically consist of larger, detached dwellings in large scale plots or smaller dwellings in much more constrained plot sizes.
- 7.4 In terms of their architecture, these properties are generally of a simple rectangular form with narrow gable ends and either double fronted design, or with doors located to the side of the front elevation and windows with a vertical emphasis placed proportionally within the elevations. All traditional designs in the locality have a high proportion of walling to windows. Generally houses are of coursed stone walling with slate to the roof and timber windows.
- 7.5 The outline permission required the dwelling to be a traditional two storey dwelling of stone construction and a slate roof. The proposal when compared to the 2019 application is a much more modest scale which more aligns with the dwelling to plot ratio found in the area. The design is more of a vernacular style with a flat elevation and finished floor levels have been provided which was lacking in the appeal proposal. A levels and a cross section plan has been provided that shows the existing levels and the proposed finished floor level of the property relative to the road and nearby properties. The proposed property would be set at 2.5m lower than the stop level indicated on the road boundary and 5m lower than Poplars Cottages to the east. This is considered to significantly reduce the visual impact of the property as it would extend only 3.7m above the road level with a further 1m obscured by the existing stone wall. Levels around the property respect the existing contours which

steeply reduce to the west and do not extend the plateau further into the countryside in this direction. Levels would reduce gradually to the south with only the driving and turning area retaining the same level as the dwelling. On this basis it is considered that the site would be contoured satisfactorily without additional harm to the underlying character of the area.

- 7.6 As such, it is concluded that the proposal would provide a traditional styled dwelling as required by the original outline permission and subsequently discussed by the inspector, which would have not have adverse effect on the character and appearance of the area and be compatible with the scale, density, layout and design of its surroundings in accordance with Policies S3, PD1 and PD5.

Highway Safety

- 7.7 The Highway Authority considered the impacts of an access in the location proposed as part of the outline application planning and raised no concerns at that time. This application is also considered to provide a safe and suitable access together with sufficient parking and turning within the site. In achieving the required visibility for the access the existing boundary wall position would have to be moved further into the site and this can be achieved as the land is controlled by the applicant.
- 7.8 Therefore whilst concerns have been raised by local residents in respect of the safety of highway users, given the assessment of the safety of the access by the Local Highway Authority, it is considered that the access is acceptable in accordance with adopted planning policy HC19 subject to detailed conditions. Details of the boundary walling can be controlled by condition.

Impact on Residential Amenity

- 7.9 Given the detached nature of the site, from properties to the north and across the road to the east, it is considered that the design of the dwelling would not result in any amenity impacts which would warrant the refusal of the application. The cross sections of the site show that the building would be set down on the site and would only project some 3.7m above the level of the highway.
- 7.10 As such, this would not impose unreasonably upon existing properties on the opposite side of the road, particularly given its offset nature (it is not directly in front of these properties and their aspect). Whilst the concerns of a neighbour in respect of loss of view are noted, the devaluation of existing properties as a result of this is not a material planning consideration. As such the proposal is considered acceptable in terms of amenity impact in respect of Policy PD1 of the Adopted Local Plan (2017).

Other matters

- 7.11 Site clearance has recently taken place and there are no trees on site nor evidence of any removals. The nearest trees are within the adjacent TPO to the North West and are not considered to pose a constraint to development, however, a condition securing assessments of impacts on existing trees and hedgerows is recommended. Site clearance had also taken place on this site in 2018 without providing the method statement required by condition 11 of outline planning permission 17/00995/OUT. However, based on legal advice obtained in 2018, it was not possible to pursue this clearance as a breach of planning control. As a result of this Derbyshire Wildlife Trust have not been consulted on this case. However, they previously advised that additional enhancement measures should be secured due to the potentially harmful clearance that has taken place. In this respect, whilst there is no fundamental ecological objection to the proposed development, it would be reasonable to impose a condition regarding ecological enhancements as part of this

submission. In this respect the proposal is considered to be acceptable in accordance with Policies PD3 and PD6 of the Adopted Local Plan 2017.

- 7.12 In relation to PD7 Climate Change, no details have been supplied within the Planning Statement and thus a condition is recommended to secure appropriate mitigation of climate change impacts.

Conclusion

- 7.13 The principle of development is acceptable within the settlement boundary and the proposed traditional styled dwelling at a lower level than Whitworth Road retaining the boundary wall and existing hedgerows is not considered to have adverse effect on the character and appearance of the area and is in context with its surroundings in accordance with Policies S3, PD1 and PD5. Whilst concerns have been raised regarding the impact on neighbours' amenity and highway safety impacts, these matters are considered acceptable subject to detailed conditions.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

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

Reason:

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

2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans: location plan scale 1:2500 and block plan no. L.22.01 received by the Local Planning Authority on the 9th May 2022 and 10th June 2022, the levels survey scale 1:250 and cross section scale 1:250 received on the 10th October 2022 and elevations and floorplans no. gl.22.03 received on the 11th October 2022, subject to the following conditions.

Reason:

For the avoidance of doubt as the forward projection on the front elevation was not acceptable and contrary to Policies PD1 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

3. Before any other operations are commenced (excluding condition 4), space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason:

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

4. No part of the development shall be occupied or brought into use until the new vehicular access is formed to Whitworth Road with visibility splays as defined on drawing no.

L.22.01 which is cleared of all obstructions to visibility exceeding 1 metre in height (0.6 metre in the case of vegetation) above carriageway/verge level. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter.

Reason:

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

5. Within 28 days of the proposed vehicular access being taken into use (the subject of condition 4), the existing substandard vehicular access to Whitworth Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason:

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

6. The dwelling shall not be occupied until details of the proposed parking and manoeuvring areas within the site have been submitted to, and approved in writing, by the Local Planning Authority. These facilities shall be completed before the first occupation of the dwelling and thereafter be retained for use at all times throughout the lifetime of the development.

Reason:

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

7. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

Reason:

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

8. The finished floor level of the dwelling and access and turning area shall be constructed in accordance with the approved details on the level survey scale 1:250 plan received on the 10th October 2022.

Reason:

To protect the amenities of adjoining properties and the appearance of the area generally in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

9. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the completion or first occupation of the development hereby approved, the details of which shall include:
 - a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;

- d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
- e) means of enclosure including the rebuilding of the stone wall;
- f) hard surfacing materials;
- g) timescale for implementation.

The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory landscaped setting for the development in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. Samples of new materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be constructed in accordance with the approved details.

Reason:

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

11. Details of all new external window and door joinery and/or metal framed glazing shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills, lintels, external finish and elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.

Reason:

To protect the external appearance of the dwelling and preserve the character of the area in accordance with policies HC7 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

12. Prior to the works beginning on the superstructure a programme for the delivery of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be carried out in accordance with the approved programme.

Reason:

To ensure the delivery of measures to address the requirements of Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017).

13. 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 buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To preserve the character and appearance of the surrounding area in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

14. Prior to any works to construct the building or boundary treatments, a scheme of biodiversity enhancement measures (including timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details which shall be implemented in full and maintained thereafter throughout the lifetime of the development.

Reason:

In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain in accordance with Policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to the submission 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 the forward projection feature and site levels.

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

This permission relates solely to the application plans and document
location plan scale 1:2500 and
block plan no. L.22.01
levels survey scale 1:250
cross section scale 1:250
elevations and floorplans no. gl.22.03
Supporting Statement

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website

<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx>

E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the verge without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority

via email – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the owner.

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22/01293/FUL

Apple Tree Farm, Longford Lane, Longford



Derbyshire Dales DC

1:1,250

Date: 13/01/2023

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

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APPLICATION NUMBER		22/01293/FUL	
SITE ADDRESS:		Apple Tree Farm, Longford Lane, Longford, Ashbourne, Derbyshire, DE6 3DT	
DESCRIPTION OF DEVELOPMENT		Erection of cattle housing building with associated underground slurry store.	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Mr. Hill
PARISH / TOWN	Longford	AGENT	Mr. Watkins
WARD MEMBER(S)	Cllr. Mrs. Morley	DETERMINATION TARGET	13 th January 2023
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Siting and impact of the agricultural building on the surrounding area. • Impact of the development upon the amenity of neighbouring properties. • Impact of the development on flooding and pollution. • Impact of the development upon highway safety.

RECOMMENDATION
Planning permission be approved.

1. THE SITE AND SURROUNDINGS

- 1.1 Apple Tree Farm, is a relatively newly established livestock farm. It is situated to the south-east of Longford, not far from the junction of Longford Lane, with Thurvaston Lane. The agricultural unit extends to 280 acres (113.3 Ha) of grass land upon which the applicant runs a mixed cattle and sheep enterprise. There are two existing portal frame buildings on site built around a yard with access from Longford Lane. The nearest neighbouring properties are to the south and west, the closest being Rose Cottage, approximately 105m to the south west of the proposed building.



2. DETAILS OF THE APPLICATION

- 2.1 The proposal is for the erection of a livestock building, with an associated underground slurry store. The building would be sited to the rear (south west) of the existing buildings and would be of similar construction measuring 30.5m long by 18.2m deep and 4.88m to eaves. The walls would be Yorkshire boarding above concrete panels and the roof would be cement fibre sheeting. The east facing elevation would be open. The slurry store would be excavated beneath the building to a depth of 2m.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):

S4: Development in the Countryside
PD1: Design and Place Making
PD9: Pollution Control and Unstable Land
EC10: Farm Enterprises and Diversification

- 3.2 Other:

National Planning Policy Framework (2021)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

20/01263/FUL	Siting of a mobile home for use as a temporary agricultural workers dwelling for a temporary period of 3 years.	Approved
20/00251/OUT	Erection of dwellinghouse.	Refused
11/00929/FUL	Erection of agricultural livestock and fodder store and hardstanding.	Approved
11/00643/FUL	Erection of agricultural livestock building.	Approved

5. CONSULTATION RESPONSES

Environment Agency:

No comment.

Local Highway Authority:

No objection, subject to footnote.

Derbyshire County Council Rights of Way Section:

No objection.

Environmental Health:

No objection. However, as there are neighbouring properties in the vicinity, it is recommend that a Condition is implemented, for a Manure and Pest Management Plan that will cover the storage of the manure, emptying of the slurry pit and spreading of the waste. In addition, if there are animals to be housed in the shed, in the summer months, details of fly control and odour management should be submitted. Dealing with complaints shall also be considered.

Footpath Organisations:

No objection, provided that the footpath is not affected.

Parish Council:

No objection.

6. REPRESENTATIONS RECEIVED

6.1 4 objections have been received to date, the material planning considerations are summarised below:

- The development would result in an adverse impact upon animal welfare
- The development will result in noise pollution that will harm the amenity of neighbouring properties.
- The development will result in additional vehicle movements which will harm the amenity of neighbouring properties.
- This parcel of land is around 12 acres and is around 5 miles from the main holding at Hatton. There is no agricultural justification for further development at this site.
- The development would result in harmful emissions of methane gas.
- The development will result in an increase of flies and corresponding risk of disease to neighbouring properties.
- The development will affect views of neighbouring properties.
The development will create light pollution.
- The development is at risk from flooding from surface water which poses an environmental threat given that there is a brook running along the southern boundary. The slurry store will be below the water table and runoff from the roof will accentuate the risk of flooding.
- The development will harm highway safety. There have been repeated near miss incidents due to vehicles entering and exiting the site. Visibility is restricted to the north. There is a 60mph speed limit on Longford Lane. Access for goods vehicles or tractors with implements is only possible from the south and there is insufficient turning space within the farmyard which results in large vehicles often having to back into our out of the site.
- The highway here is narrow and a public footpath emerges from the field onto the road here. Local school children are collected by bus / returned in this area and the lanes are popular with dog walkers.
- Further encroachment into the field is overdevelopment of this site.
- Alleged unauthorised development at this site.

7. OFFICER APPRAISAL

- 7.1 Policy S4 of the Adopted Derbyshire Dales Local Plan seeks to ensure that new development protects the landscape's intrinsic character and distinctiveness. It also requires development to be appropriate to its location and not to have an adverse impact on the character and appearance of the rural environment.
- 7.2 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of a high quality design that respects the character, identity and context of townscapes and landscapes; and requires development that contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, the relationship to adjacent buildings and incorporating well integrated car parking. Policy PD1 also requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution, or other adverse impacts on local character and amenity.
- 7.3 Policy PD9 of the Adopted Derbyshire Dales Local Plan seeks to protect people and the environment from unsafe, unhealthy and polluted environments. This will be achieved if potential adverse effects are mitigated to an acceptable level.
- 7.4 Policy EC10 of the Adopted Derbyshire Dales Local Plan requires that development proposals can demonstrate the viability of farming through helping to support, rather than replace or prejudice farming activities on the rest of the farm. It also requires that development stimulates economic activity with a use that is compatible with its location, which maintains the relative sustainability of a rural area; any new buildings should be appropriate in scale, form, impact, character and siting to their rural location; wherever possible, new or replacement buildings should be located within or adjoining an existing group of buildings; the proposed development should not generate traffic that is inappropriate for rural roads; and where possible, the proposed development should make effective use of existing buildings in preference to the construction of new ones.
- 7.5 The application site forms part of the applicant's agricultural business. The application states the site is the base of the business which comprises a mixed cattle and sheep enterprise. The proposed development would enable the applicant to house all cattle on site. The applicant has 50 suckler cows, 50 bucket calves (purchased at around 4 weeks and then bucket fed until 2 weeks) and 150 store cattle which are grown until 22-24 months. The agricultural unit extends to around 280 acres of grassland which is a mixture of owned and rented land.
- 7.6 There are two existing buildings at the site used for housing cattle. The application states that the applicant cannot currently house the 250 head of cattle at the site and has around 100 there at any one time with the remaining cattle offsite in a set of rented buildings approximately 5 miles away. This results in multiple trips daily to feed and check the cattle during the winter months which the application states is financially unsustainable.
- 7.7 From the information provided it is evident that the applicant runs an established farm business from the site and that the proposed development is reasonably required for the farm enterprise. The proposed building is purpose designed for housing cattle with adequate space and ventilation to meet animal welfare regulations and sufficient underground slurry storage capacity for the number of cattle housed within the building in the winter months. The development therefore demonstrates the viability of the farm and that the development is reasonably required in accordance with policy EC10.
- 7.8 Therefore, having had regard to issues raised in representations, the key issue is the impact of the development upon the local area and neighbouring properties.

- 7.9 The proposed building would be portal frame construction of a similar scale and external appearance of the existing buildings. The building would be sited close and to the rear of the existing buildings and served by the existing access. The development would be visible from the road and nearby public vantage points but would be read as part of the group and would not be intrusive in the landscape. The proposed design and siting is therefore considered to be acceptable and in accordance with policies PD1 and EC10.
- 7.10 Concern has been raised about potential flood risk and pollution. The site is located in Flood Zone 1 which is at the lowest risk of flooding. The Environment Agency have been consulted and have not raised any objection. Photographs of standing water on the fields have been provided but there is no evidence that, subject to appropriate surface water drainage, that the development would be at any significant risk of flooding or exacerbate surface water issues. An underground slurry tank is proposed which is welcomed as appropriate storage and spraying of slurry will reduce the likelihood of pollution of the water environment. The Environment Agency advise that the slurry tank will need to comply with the Water Resources (Control of Pollution) Regulations. This is not a planning matter but the applicant will be obliged to ensure that the slurry tank is constructed in accordance with the relevant regulations.
- 7.11 The development would result in additional animals being kept on site which would give rise to the potential for additional noise and disturbance from flies and pests. Additional noise would not be significant bearing in mind that the two existing buildings are used to accommodate cattle. Similarly, additional vehicle movements would not be significant to cause harm to the amenity of neighbouring properties or road users. The Environmental Health Officer requested the production of a Manure and Pest Management Plan to mitigate against any additional impact. This has been submitted by the applicant and is considered to be acceptable and in accordance with the requirements of the Environmental Health Officer. Therefore, subject to conditions the development would not cause unacceptable pollution or harm the amenity of neighbouring properties in accordance with policy PD9.
- 7.12 The Highway Authority have been consulted and raise no objection. The site is currently used for housing cattle and in that context the development would not create any significant additional vehicle movements. Therefore the development would not harm highway safety. No objections have been received in regard to the nearby public rights of way provided a note is added to any planning permission for the applicants' information.
- 7.13 The proposed development is reasonably required for the purposes of agriculture on the unit and is sited to minimise visual and landscape impact in accordance with the requirements of policies PD1 and EC10. Subject to planning conditions, the development will not cause unacceptable pollution and will not harm the amenity of neighbouring properties or highway safety. Therefore, having taken all representations into account the development is in accordance with the development plan. In the absence of any further material considerations the application is recommended for approval.

8. RECOMMENDATION

8.1 Planning Permission be granted conditionally:

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

Reason:

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

2. The development hereby permitted shall not be carried out other than in accordance with the submitted planning application form and drawings, received by the Local Planning Authority on 18.11.2022, subject to the following condition.

Reason:

For the avoidance of doubt and in the interests of the proper planning of the area.

3. The development hereby permitted shall not be carried out or occupied other than in accordance with the Odour, Complaints, Manure and Pest Management Plan, received by the Local Planning Authority on 05.01.2023.

Reason:

To mitigate any potential adverse impact on the surrounding area, in accordance with the requirements of Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

9. NOTES TO APPLICANT:

During the consideration of this application, the Local Planning Authority have engaged in a positive and proactive dialogue with the agent, which has resulted in the production of the Odour, Complaints, Manure and Pest Management Plan, which overcame initial problems with the application, relating to Environmental Health issues, reflected in the Management Plan.

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. The applicant should refer to the guidance on storing silage, slurry and agricultural fuel oil available on the gov.uk website: <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fstoring-silage-slurry-and-agricultural-fuel-oil&data=04%7C01%7CKatie.Hancock%40environment-agency.gov.uk%7Cd46dd3d89e7147fc132308da058f6b47%7C770a245002274c6290c74e38537f1102%7C0%7C637828410772485014%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjojV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000&data=Lkdih0%2FNkNU%2FqL2zqfWUqmjGr84OIYan29DFz9NBxt0%3D&reserved=0>.

This guidance includes the following with regard to slurry stores;

Slurry tanks, reception pits, pipes and channels must be impermeable and meet the anti-corrosion standards set in British Standard 5502-50:1993 A2:2010. They should last for at least 20 years with maintenance.

The base and walls of your slurry tank and any reception pit, must withstand the wall loadings set in the standard.

You are responsible for making sure your storage capacities and maintenance, comply with the Nitrate Vulnerable Zone (NVZ) rules.

Health and Safety fencing around slurry lagoons.

The applicant must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of new, reconstructed or enlarged slurry store, silage clamp or fuel store, at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction. The applicant is responsible for the certification of any new structure, either personally or through a construction consultant.

The application site is affected by a Public Right of Way (Footpath 26 Longford 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.

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NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 24th January 2023

PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
21/00130/FUL	Land east of Turlowfields Lane, Hognaston	HEAR	Appeal being processed
ENF/22/00008	View House, Somersal Herbert	WR	Appeal being processed
21/01109/FUL	Land east of Nether Lane, Kirk Ireton	WR	Appeal being processed
21/01512/PDA	The Barn, Upper Lane, Biggin	WR	Appeal being processed
21/01024/VCOND	Beechmount, Pinfold Road, Bradley	WR	Appeal allowed – copy of appeal decision attached
21/01099/FUL	Land off Ashbourne Road, Brassington	WR	Appeal being processed
21/01000/FUL	Ashbourne Lodge Care Home, 80 Derby Road, Ashbourne	WR	Appeal being processed
22/00455/FUL	The Grove, Brunswood Lane, Hulland Ward, Ashbourne	WR	Appeal being processed
22/00590/FUL	Cobscroft, Trough Lane, Hulland Village	HH	Appeal being processed
22/00986/CLPUD	Ashbourne Touring and Camping Park, DE6 3HF	WR	Appeal being processed
Central			
ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal dismissed – copy of appeal decision attached

20/01247/CLEUD	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal dismissed – copy of appeal decision attached
21/00927/FUL	43 St Johns Street, Wirksworth	HH	Appeal being processed
ENF/22/00045	Willersley Castle, Mill Road, Cromford	WR	Appeal being processed
22/00894/FUL	42 Clifton Road, Matlock Bath	HOUSE	Appeal being processed
22/00893/FUL	34 Castle View Drive, Cromford	HOUSE	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 25 October 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/P1045/W/22/3295248

Beechmount, Pinfold Lane, Bradley DE6 1PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Steve Ford against the decision of Derbyshire Dales District Council.
 - The application Ref 21/01024/VCOND, dated 5 August 2021, was refused by notice dated 7 January 2022.
 - The application sought planning permission 'to erect one new bungalow at Pinfold Farm, Bradley' without complying with a condition attached to planning permission Ref ASR/770/17, dated 19 November 1970.
 - The condition in dispute is No 3 which states that: "*The occupation of the house shall be limited to persons employed, or last employed, locally in agriculture as defined in Section 221(1) of the Town and Country Planning Act 1962, or in forestry, and the dependents of such persons.*"
 - The reasons given for the condition is: "*Because of its location the site is not considered suitable for residential development not connected with agriculture.*"
-

Decision

1. The appeal is allowed and planning permission is granted to erect one new bungalow at Beechmount, Pinfold Lane, Bradley DE6 1PN in accordance with the application Ref 21/01024/VCOND, dated 5 August 2021, without compliance with condition number 3 previously imposed on planning permission Ref ASR/770/17, dated 19 November 1970.

Applications for costs

2. An application for costs was made by Mr Steve Ford against Derbyshire Dales District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is whether the condition is necessary and reasonable in relation to restricting the occupancy of the bungalow as an agricultural or forestry worker's dwelling.

Reasons

4. The appeal site is located off Hadley Lane. The site consists of a single storey detached dwelling associated with around 1.88 acres of pastureland. The bungalow is enclosed by mature hedging on its roadside boundary.

5. Planning permission was originally granted for the appeal property in 1970 when Pinfold Farm was farmed as a sheep farm. The disputed condition was attached to the original planning permission and it restricted the occupancy of the property to someone employed or last employed in agriculture or forestry. However, since the approval of the original application, Pinfold Farm has been sold off in separate parts, resulting in separate ownerships of the land and farm buildings. Accordingly, the farmstead and agricultural business that the appeal property was originally tied to has become fragmented. This means that the appeal site no longer forms part of a wider agricultural enterprise.
6. Policy HC13 of the Derbyshire Dales Local Plan (2017) (Local Plan) relates to Agricultural and Rural Workers Dwellings. It states that proposals for the removal of restrictive occupancy conditions will only be granted where it can be demonstrated that a) the restriction has outlived its original purposes, and; b) there is no reasonable prospect of the dwelling being occupied by an agricultural or other rural based worker as demonstrated by a comprehensive marketing exercise which reflects the nature of the occupancy restriction.
7. In respect of considering part a) of Policy HC13, it is necessary to consider whether a viable agricultural business could be run from the associated land. The appellant suggests that the appeal site is too small to support a viable agricultural business. The appeal site's small size, which is limited to around 1.88 acres of land, would not be suitable to support an agricultural enterprise without additional land. As the original farm has become fragmented and is now in separate ownerships, the physical and functional link with the original agricultural use no longer exists. Consequently, due to the site's constrained size, there is no real prospect of a viable agricultural business being run from the appeal site.
8. Furthermore, the Council's agricultural consultant indicated that whilst opportunities to undertake hobby scale farming such as bee keeping could be undertaken from the appeal site, it is unlikely that this would provide a sufficient living wage for someone working in agriculture.
9. There is no evidence before me to demonstrate that there are any other rural enterprises in the immediate area which would benefit from the proximity of the appeal dwelling to its farming operations. Therefore, it is likely that occupants of the appeal property would have to travel some distance from the site in order to work within agriculture or forestry. This would conflict with the purpose of the agricultural dwelling, which is its connection with the land. The reason for the condition was about the location of the site, rather than maintaining the supply of affordable farmworkers accommodation.
10. As such, there is little evidence before me to suggest that a viable rural business could be run from the appeal property, or that it could be occupied as part of a viable rural enterprise within the local area. It is therefore surplus to its original need. Consequently, I conclude that the condition has outlived its original planning purpose.
11. The appeal property had been valued and previously offered for sale using a guide price of £350,000. In this regard, it was a general property sale done by the previous owner to dispose of the property and was not done to demonstrate compliance with Policy HC13 to remove the restriction. The property was valued by an experienced chartered surveyor. Therefore, I see no reason to disagree with the guide price, as this ended up being the price the

- property was sold for. The Council have not provided any evidence to the contrary.
12. During the general property sale, there were 9 initial viewing requests but only 4 parties visited the property. There is dispute between the main parties as to whether those viewing the property were aware of the agricultural tie. Be this as it may, the appeal property was still marketed for a period of time. Based on the evidence before me, there was little genuine interest in the appeal property.
 13. Although the general property sale was not a policy compliant marketing exercise, it was supplemented by a survey of properties with a potential need for additional farm workers accommodation.
 14. The direct marketing campaign was undertaken by the appellant to ascertain the local demand using a satisfactory search radius from the appeal property. I note that the mailing did not suggest the value of the property, and nor did it offer the property for sale, which the appellant claims was necessary to comply with the Consumer Protection from Unfair Trading Regulations 2008. The Council did not provide a legal view to counter that argument. Given the property is currently occupied, the direct marketing campaign was a suitable alternative to a conventional marketing exercise.
 15. As farm addresses were targeted within a suitable radius, this meant that people who were most likely to comply with the occupancy condition or would require a worker's dwelling to support their farm labour were contacted. The mailing letter shown in appendix 3 of the appellant's planning statement clearly states that the 'dwelling is subject to an agricultural occupancy condition'. The results indicated that there was little interest in the appeal property from people who would comply with the occupancy condition.
 16. I note the Council consider that the marketing period was not appropriate, and a minimum of six months should have been applied to test the market and establish an interest. However, I have not been directed to evidence that a minimum 6-month marketing period is a policy requirement. Furthermore, the appellant undertook a direct marketing campaign in addition to the original general property sale.
 17. I am therefore satisfied that the evidence demonstrated that there was no local interest raised generally by those eligible to purchase the property. Consequently, I find no conflict with Policy HC13 of the Local Plan.

Conclusion

18. For the reasons set out above, I conclude that the disputed condition restricting the occupancy of the bungalow as an agricultural or forestry worker's dwelling is not reasonable or necessary.
19. The appeal proposal would result in an open market dwelling located in open countryside. However, the circumstances of the appeal site indicate that the decision should be made other than in accordance with the development plan.
20. In addition to the disputed condition, two other conditions were placed on the original planning permission (ASR/770/17) in respect of commencement and materials. However, as the construction of the bungalow has already been

completed on site, I do not consider it necessary to re-impose those conditions. Therefore, I conclude that the appeal is allowed.

Helen Smith

INSPECTOR



Costs Decision

Site visit made on 25 October 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Costs application in relation to Appeal Ref: APP/P1045/W/22/3295248 Beechmount, Pinfold Lane, Bradley DE6 1PN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Steve Ford for a full award of costs against Derbyshire Dales District Council.
 - The application Ref 21/01024/VCOND, is dated 5 August 2021, was refused by notice dated 7 January 2022.
 - The appeal was against a refusal to grant planning permission 'to erect one new bungalow at Pinfold Farm, Bradley' without complying with a condition attached to planning permission Ref ASR/770/17, dated 19 November 1970.
 - The condition in dispute is No 3 which states that: "*The occupation of the house shall be limited to persons employed, or last employed, locally in agriculture as defined in Section 221(1) of the Town and Country Planning Act 1962, or in forestry, and the dependents of such persons.*"
 - The reasons given for the condition is: "*Because of its location the site is not considered suitable for residential development not connected with agriculture.*"
-

Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Unreasonable behaviour can relate to procedural matters (i.e. the appeal process) or substantive matters (i.e. issues related to the planning merits of the appeal).
4. Essentially the applicant is seeking a full award of costs due to the Council's failure to issue a decision within the statutory 8-week period for the planning application (21/01024/VCOND) and their alleged unreasonable behaviour. The Council has not provided any explanation of the reasons for the delay in reaching a decision.
5. The application was not determined by the Council within the 8-week period, however an extension of time was requested by the Council and the application was subsequently refused. While I understand the applicant's frustration at the delays, I have seen no sufficiently compelling evidence that the Council behaved unreasonably in terms of the timescale for determining the planning application.

6. Furthermore, the Council refused the application and provided clear and detailed reasons why it did not grant permission. It is not therefore the case that the appeal could have been avoided and therefore the applicant has not incurred unnecessary expense. Moreover, I have found that the Council had reasonable concerns about the proposal in my findings on the appeal.
7. The applicant states that the Council behaved unreasonably by failing to take on board the information submitted. Based on the evidence before me, I consider the Council to have acted reasonably with regards to the information submitted to them by the applicant. Indeed, the Council did provide comments in their statement of case on the additional information submitted by the appellant at the appeal stage.
8. With regards to the agricultural consultant's response, the Council were not bound by these comments. The Council exercised their planning judgement as decision maker and were entitled to come to the conclusions they did based on the adopted Development Plan for the area. Therefore, I find the Council to have acted reasonably in this instance.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not therefore justified.

Helen Smith

INSPECTOR



Appeal Decisions

Site visit made on 10 November 2022

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 07 December 2022

Appeal Ref: APP/P1045/C/21/3271439 (Appeal A)

Manor Lodge, Little Bolehill, Bolehill, Matlock, Derbyshire DE4 4GR

- 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 D Sheldon against an enforcement notice issued by Derbyshire Dales District Council.
 - The enforcement notice is dated 24 February 2021.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised change of use of the building and associated land from office use (Use Class B1) permitted under Part 3, Class R of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order (2015) (as amended) to a Dwellinghouse (Use Class C3).
 - The requirements of the notice are: a) Permanently cease the residential occupation of the building. b) Return the building to its approved use as an office.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(d) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal Ref: APP/P1045/X/21/3269588 (Appeal B)

Manor Lodge, Little Bolehill, Bolehill, Matlock, Derbyshire DE4 4GR

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr D Sheldon against the decision of Derbyshire Dales District Council.
 - The application Ref 20/01247/CLEUD, dated 5 December 2020, was refused by notice dated 17 February 2021.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is 'dwellinghouse'.
-

Decisions

1. It is directed that the enforcement notice be corrected by:
 - the deletion of the following text in its entirety from the requirements paragraph: 'b) Return the building to its approved use as an office.'
 - The removal of the text 'three months' from the requirements paragraph and its replacement with the text 'six months'.
2. Appeal A is dismissed, and the enforcement notice, as corrected, is upheld.
3. Appeal B is dismissed.

The enforcement notice

4. The enforcement notice attacks an unauthorised material change of use, and it should go no further than is necessary to achieve its purpose, which in this case is to remedy the breach. The cessation of the unauthorised use is sufficient to achieve that purpose, and an enforcement notice cannot go on to require that a lawful use is actively carried out.
5. For that reason, I have directed that the notice be corrected to remove the second stage of the requirements. I am satisfied that this correction does not prejudice the appellant or make the notice more onerous.

Appeal A on ground (d) and Appeal B

6. Ground (d) is that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. Ground (d) is equivalent to an LDC application, and so I have considered these elements of the appeal as one.
7. The Planning Practice Guidance (PPG) says that an applicant is responsible for providing sufficient information to support an application for an LDC. It states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
8. In order to succeed, the appellant therefore needs to submit sufficient precise and unambiguous evidence to show that the building has been in continuous use as a self-contained residential unit for four years or more prior to the date of the LDC application, which is 5 December 2020. The building therefore needs to have been in occupation from 5 December 2016 or before.
9. If this can be established, then lawfulness would have accrued, and Appeal A would succeed on ground (d) as it would have been too late for the Council to have served the enforcement notice on 24 February 2021.

The evidence for the residential occupation of the appeal site

10. The appellant produces a statement dated 5 May 2021 in which he outlines his involvement with the appeal site. I note that, whilst this document is set out and worded as a statutory declaration, it is not signed and has not been witnessed by a solicitor or a commissioner for oaths. That being the case, it is not a statutory declaration, and can carry no greater weight than any other piece of evidence adduced by the appellant. I note that it is now commonplace for documents to be submitted electronically without signatures, but nonetheless, it is essential that statutory declarations be signed and witnessed in the prescribed way to be valid.
11. Turning to the substance of the statement, the appellant explains that he acquired the building in 2005. It was originally granted planning permission in 1999 as a field barn. He used it for agricultural and commercial purposes until 2014, when he decided to convert it to an office. He began internal works, including the fitting of a kitchen and shower, which were completed by the late spring of 2016. He began the office use at that time, and completed the external works in October 2016.

12. He states that, by mid-October, he had moved in permanently. He goes on to say that his partner moved to the building in 2018, after which they had a son who also lives there. He installed a post box at the bottom of the drive and an intercom system for the gates.
13. In support of his case, the appellant submits an undated letter from his parents, Mr & Mrs Sheldon. They say the appellant lived with them in Middleton until October 2016, when he moved out of their house and went to live permanently at the appeal site. They have visited him there occasionally, but do not specify the dates of any of those visits. They finish by saying that the appeal site has been the appellant's home for more than four years.
14. A further letter is provided from the appellant's planning agent, Mr Yarwood. This is dated 21 December 2017, following a visit to the appeal site that he undertook on 25 November 2017. He refers to a previous visit on 10 October 2016, at which time he took the opportunity to look at the conversion work, and noted the discovery of a basement area. It was Mr Yarwood's impression that the building was being used as a dwelling at that time, and that was still his impression on the second visit in November.
15. The next piece of documentary evidence is a quotation from Richer Sounds for equipment for a cinema room, dated 30 September 2017. Although the quotation does not include an address, I did see this room in the basement of the building on my visit.
16. I have also been provided with a note from Mr Yarwood documenting his site visit with two Council officers on 14 June 2018. The installation of a kitchen was noted, as was the presence of a meter box in the walled yard. However, Mr Yarwood's email of 28 January 2021 to the Council states clearly that 'kitchen units were installed in the first stages of converting the building to an office'. That being the case, the presence of kitchen units in itself does not particularly assist the appellant in establishing the residential use of the site.
17. The Council maintain that, when their officers visited the appeal site on 14 June 2018 and 25 September 2019, they found no evidence to support a claim that the building was being occupied as a dwellinghouse. It is apparent that they did not enter the building, but they have submitted at their Appendix 1 photographs taken on the September visit.
18. With reference to these photographs, the appellant highlights a number of items seen inside the building, including an armchair on the ground floor and a bed with bedspread on the first floor. He also refers to the vent stack, with toilet, shower and washbasin waste pipes, indicating the presence of a shower room at first floor level. However, although this evidence shows that the building could have been inhabited, it does not amount to proof that the building was being lived in permanently at that time.
19. The appellant states that his postman would be willing to confirm that post has been delivered to the building throughout his tenure. However, no such statement has been forthcoming, and in any event, post could equally have been delivered to the building in association with the office use.
20. The Council raise the matter of bin collection, questioning why, if the building was lived in and generating domestic waste, there seemed to be no arrangements for refuse collection. Whilst the distance from the building to the

road might make it impractical to use a bin, they explain that black bin sacks can be collected instead.

21. In response, the appellant explains that he takes his rubbish to his parents' house because it is more convenient to load it into the car than carry it to the gate. Although such a solution is possible, it would not seem to be practical over the course of four years or more, especially when the bags could simply be left by the road in this way, rather than be transported elsewhere. I note that there is no reference to this arrangement in Mr and Mrs Sheldon's letter.

Conclusion

22. Taking the evidence as a whole, it points to some form of residential occupation of the appeal building in October 2016 and again in late 2017. Crucially, however, it is not sufficient to establish the commencement of a material change of use. Lawfulness can only accrue after four years of use that is continuous for planning purposes has been demonstrated. The evidence shows that the building was capable of habitation at various points after October 2016, but again, that is not proof of continuous use.
23. To this end, it would be expected that evidence of occupation of the building would be produced, for example, bills for services like gas/electric, water, phone, or broadband. Other examples could include receipts for domestic deliveries to the address, which could be differentiated from goods that might be needed for the office use. As it is, the only such document produced is the Richer Sounds quotation. However, that is not enough to show affirmatively that the building has been in permanent and continuous occupation for the required timescale. Furthermore, the significant timescale gaps in the evidence are of insurmountable concern.
24. I therefore conclude that the appellant has failed to produce enough precise and unambiguous evidence to show, on the balance of probabilities, that the continuous use of the appeal site as a residence subsisted for the requisite four year period.
25. As a result, Appeal A on ground (d) and Appeal B must fail.

Appeal A on ground (g)

26. Ground (g) is that the time given to comply with the notice is too short.
27. The appellant will need to find alternative accommodation for himself, his partner and their young child. He argues that a three month period is wholly inadequate and unreasonable and would cause undue hardship to those concerned. He suggests that a compliance period of six months would be reasonable.
28. As may be seen from the discussion above, the enforcement notice is upheld. Due to the timetabling of the appeal, this decision has been made in the winter months, which is generally a difficult time to find accommodation and move house. I therefore consider that six months would be a reasonable period for compliance with the notice. I note from the Council's statement that they have no objection to a six month period.
29. To that extent, therefore, Appeal A succeeds on ground (g).

Overall conclusion

30. Appeal A is dismissed, and the enforcement notice, as corrected, is upheld

31. With regard to Appeal B, I am satisfied that the Council's refusal to grant an LDC in the terms that were applied for was well founded. The appeal fails and I shall exercise the powers transferred to me in section 195(3) of the Act.

Elaine Gray

INSPECTOR

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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.

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