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Monday, 5 June 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, 13 June 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.

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

AGENDA

SITE VISITS: Attached to the agenda is a list of sites the Committee will visit (**by coach**) on **Monday, 12 June 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 - 14)

11 April 2023

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. 23/00334/FUL (Pages 15 - 22)

Alterations, two storey and single storey extension to rear and first floor extension to side (above existing garage).

5.2. APPLICATION NO. 23/00310/FUL (Pages 23 - 30)

Creation of access, erection of hard surface and retaining walls for car parking area and associated engineering works at 166 Smedley Street, Matlock, Derbyshire, DE4 3JA.

5.3. APPLICATION NO. 22/01081/FUL (Pages 31 - 48)

Change of use of land and erection of 2no. glamping pods, a parking area, package treatment plant with associated development at Land South of Stoney Lane, Hognaston.

5.4. APPLICATION NO. 23/00012/FUL (Pages 49 - 60)

Erection of agricultural storage building at Hardhurst Barn, Breamfield Lane, Wirksworth, Derbyshire, DE4 4AF.

5.5. APPLICATION NO. 23/00336/FUL (Pages 61 - 74)

Proposed extension with solar roof tiles, ground source heat pumps and water supply boreholes, replacement porch, refurbishment of outbuilding and internal and external alterations and repair works at Biggin Old Hall, Biggin Ashbourne.

5.6. APPLICATION NO. 23/00337/LBALT (Pages 75 - 90)

Proposed extension with solar roof tiles, ground source heat pumps and water supply boreholes, replacement porch, refurbishment of outbuilding and internal and external alterations and repair works at Biggin Old Hall, Biggin, Ashbourne.

6. APPEALS PROGRESS REPORT (Pages 91 - 104)

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

Members of the Committee: David Burton (Co-Chair), Peter O'Brien (Co-Chair) Sue Burfoot (Vice-Chair)

Robert Archer, John Bointon, Neil Buttle, Peter Dobbs, Nigel Norman Edwards-Walker, David Hughes, Stuart Lees, Laura Mellstrom, Dermot Murphy, Peter Slack, Mark Wakeman and Nick Whitehead

Nominated Substitute Members:

Substitutes – Councillors Anthony Bates, Geoff Bond, Kelda Boothroyd, Marilyn Franks, Gareth Gee, Dawn Greatorex, Andy Nash, Roger Shelley and Nick Wilton

SITE VISITS

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **9:50am prompt** on **Monday, 12 June 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.

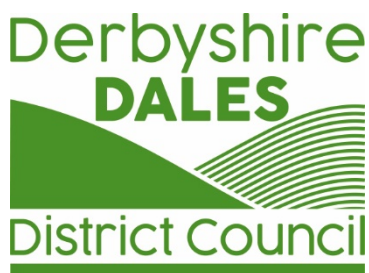
- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers.
- h) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any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

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SITE VISITS

LEAVE OFFICE		10:00
23/00012/FUL	Hardhurst Barn, Breamfield Lane, Wirksworth	10:20
23/00336/FUL & 23/00337/LBALT	Biggin Old Hall, Biggin	10:50
22/01081/FUL	Land south of Stoney Lane, Hognaston	11:15
23/00334/FUL	16 Crook Stile, Matlock, Derbyshire, DE4 3LJ	11:50
23/00310/FUL	166 Smedley Street, Matlock, Derbyshire DE4 3JA	12:05
RETURN		12:15

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Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 11th April, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Jason Atkin - In the Chair

Councillors: Jacqueline Allison, Sue Burfoot, Tom Donnelly, Richard FitzHerbert, Helen Froggatt, Peter O'Brien, Janet Rose and Peter Slack

Present as Substitute - Councillors: Paul Cruise and Mark Wakeman

Kerry France (Legal Services Manager), Chris Whitmore (Development Control Manager), Adam Maxwell (Principal Planning Officer), Sarah Arbon (Senior Planning Officer), Tommy Shaw (Democratic Services Team Leader) and Angela Gratton (Democratic Services Officer)

Members of the Public – 23

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): Robert Archer, Neil Buttle, Graham Elliott, David Hughes and Stuart Lees

354/22 - 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 14 March 2023 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

355/22 - INTERESTS

Councillor Richard FitzHerbert declared a non-pecuniary interest in Item 5.3. Application No. 22/01010/FUL – Erection of 2 no. holiday let accommodation units and erection 1 no. holiday pod at Woodside, Chesterfield Road, Rowsley.

356/22 - APPLICATION NO. 22/00641/REM

The Development Manager 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 Helen Bareford (Applicant) spoke in support of the application. Mr Grant Anderson (Hill Dickinson Planning Agent) 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 a correction to reason for refusal no. 4, comments received from DWH on behalf of Bamford Property Ltd and JCB (these representations apply both to this item and item 5.2 – Application No. 22/00642/FUL Erection of 101 no dwellinghouses with associated access, infrastructure and landscaping at Land between Ashbourne Airfield and Derby Road, Yeldersley.), and further representations received in respect of the amended plans by Matlock Town Council and local residents and additional correspondence received from the applicant to address the various reasons for refusal.

It was moved by Councillor Peter O'Brien, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

That planning permission be refused for the reasons set out in in section 8.0 of the report.

The Chairman declared the motion **CARRIED**.

357/22 - APPLICATION NO. 22/00642/FUL

The Development Manager 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 Helen Bareford (Applicant) spoke in support of the application. Mr Grant Anderson (Hill Dickenson Planning Agent) 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 a correction to reason for refusal no. 5, representations from the adjacent landowners, a local resident and Ashbourne Town Council in respect of the amended plans and additional correspondence received from the applicant.

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

RESOLVED (unanimously)

That planning permission be refused for the reasons set out in in section 8.0 of the report.

The Chairman declared the motion **CARRIED**.

358/22 - APPLICATION NO. 22/01010/FUL

6:45 pm - Councillor Richard FitzHerbert left the meeting for consideration of this item due to declaring an interest.

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.

Councillor Janet Rose moved to approve the application, this was then seconded by Councillor Tom Donnelly and put to the vote as follows.

Voting

4 For

5 Against

1 Abstentions

The Chairman declared the motion **LOST**.

It was then moved by Councillor Peter Slack, seconded by Councillor Peter O'Brien and

RESOLVED

That planning permission be refused for the reasons set out in in section 8.0 of the report.

Voting

5 For

4 Against

1 Abstentions

The Chairman declared the motion **CARRIED**

359/22 - APPLICATION NO. 22/01190/FUL

6.56 pm Councillor Richard FitzHerbert re-joined the meeting.

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 Sam Jones (Applicant) and Cllr Vicki Raynes (Tansley Parish Council) spoke in support of the application. Mr Mick Purshouse (Local Resident) and Mr Andrew Bostock (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 comments received from Derbyshire Wildlife Trust, The Highway Authority, James Neville, Cllr Steve Flitter and a local resident, as well as an amendment to the Landscape plan and further comments from the applicant.

It was moved by Councillor Richard FitzHerbert, 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 set out in the report, a response from the Derbyshire Wildlife Trust and upon completion of a S106 legal agreement to secure:

- 25% First Homes (4 dwellings) to be delivered on site
- 15% Shared Ownership (2 dwellings) to be delivered on site
- 60% Social Rented Homes (8 dwellings) to be delivered off-site. This will be secured through a financial contribution to the Council of £365,168.
- Education Contribution of £336,396.84 towards the provision of 12 secondary with post 16 places at Highfields School and additional education facilities.
- An off-site contribution for allotments of £2,777.70.

Voting

8 For

3 Against

0 Abstentions

The Chairman declared the motion **CARRIED**.

7.25 pm – Meeting adjourned for a 15 minute break.

7.38 pm – Meeting reconvened.

360/22 - APPLICATION NO. 22/01316/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.

In accordance with the procedure for public participation, Mr Viv Russell (Agent) spoke in support of the application. Mr Peter Harrington (Local Resident) and Mr Nick Sibley 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 Derbyshire Wildlife Trust, an additional planning condition, an amendment to condition 5 and correspondence from the agent.

It was moved by Councillor Helen Froggatt, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

That authority be delegated to the Development Manager or Principal Planning Officer to grant planning permission, subject to prior entry into planning obligation to secure funding for monitoring of travel plan and subject to the conditions set out in section 8.0 of the report and an additional condition regarding the requirement for submission and approval of a scheme of foul water connection to the main sewer, prior to works commencing on the super structure of the proposed development.

The Chairman declared the motion **CARRIED**.

361/22 - APPLICATION NO. 22/01381/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.

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

RESOLVED

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

Voting

8 For

0 Against

3 Abstentions

The Chairman declared the motion **CARRIED**.

362/22 - APPLICATION NO. 23/00025/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.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of further correspondence from the agent in response to comments of the Parish Council

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

RESOLVED (unanimously)

That planning permission be refused for the reasons set out in section 8 of the report.

The Chairman declared the motion **CARRIED**.

363/22 - APPEALS PROGRESS REPORT

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

RESOLVED (unanimously)

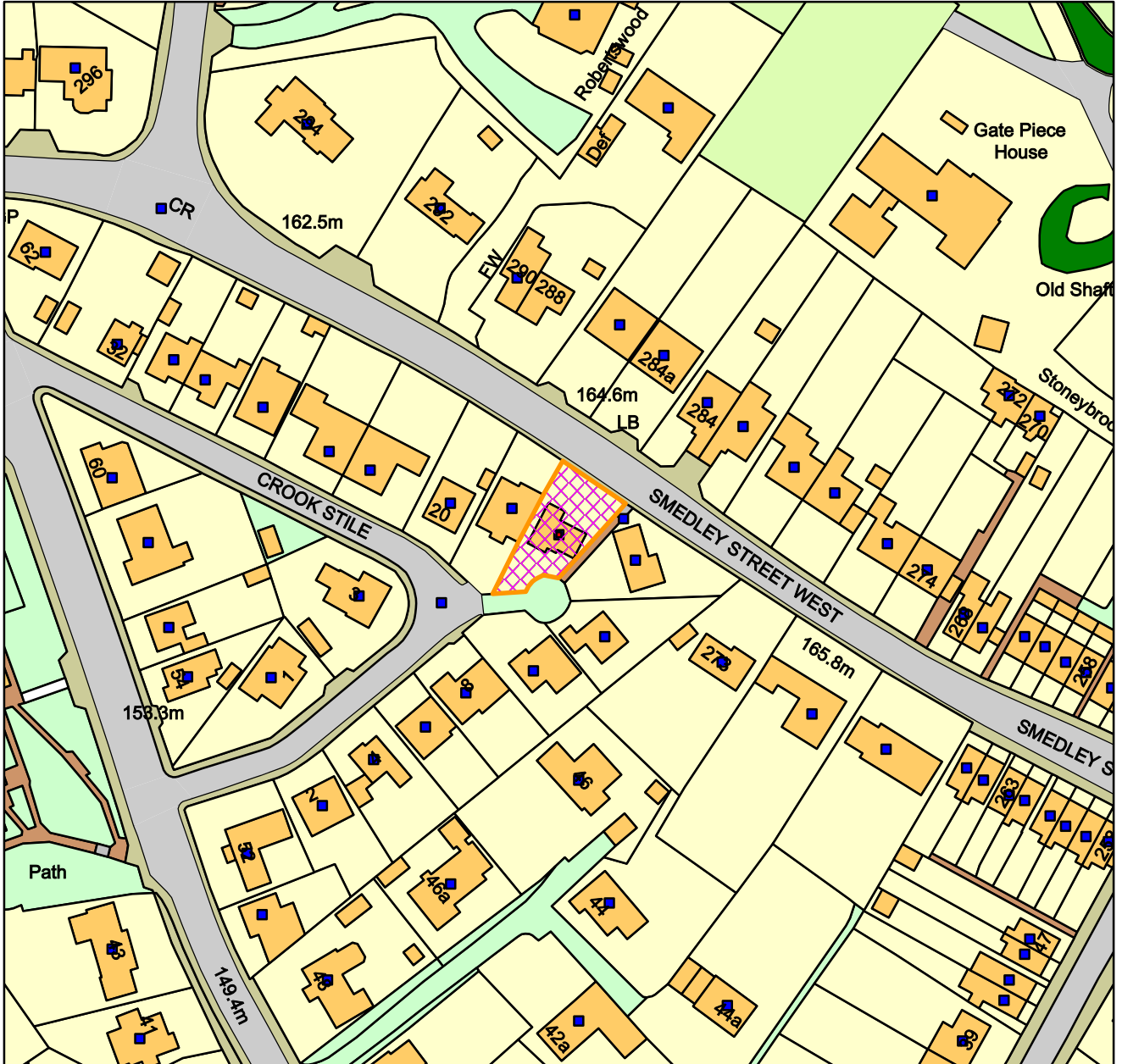
The Chairman declared the motion **CARRIED**.

Meeting Closed: 8.35 pm

Chairman

23/00334/FUL

16 Crook Stile, Matlock, Derbyshire, DE4 3LJ



Derbyshire Dales DC

1:1,250

Date: 05/06/2023

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APPLICATION NUMBER		23/00334/FUL	
SITE ADDRESS:		16 Crook Stile, Matlock, Derbyshire, DE4 3LJ	
DESCRIPTION OF DEVELOPMENT		Alterations, two storey and single storey extension to rear and first floor extension to side (above existing garage)	
CASE OFFICER	G Huffen	APPLICANT	Charley Boughton
PARISH/TOWN	Matlock All Saints	AGENT	Mrs Clare Lang – Lang Architects
WARD MEMBER(S)	Councillor S Burfoot, Councillor M Burfoot and Councillor S Wain	DETERMINATION TARGET	22.05.2023
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To enable Members to appreciate the site and context.

MATERIAL PLANNING ISSUES

- Impact on character and appearance of property and street scene
- Impact on the amenity of neighbouring properties.

RECOMMENDATION

That the application be approved subject to planning conditions set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

1.1 The application property is a detached two storey dwelling located within Matlock. It is stone fronted with rough rendering to the sides and rear. The property includes an attached side garage which appears to be a later edition. The property is located to the north-east corner of Crook Stile between 18 and 14 Crook Stile with a pedestrian footpath to the east which provides access to Crook Stile from Smedley Street.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought to extend the property by adding first floor extension above the garage and by removing and replacing the existing rear extension with a part two storey (to the east elevation) and part single storey (to the west elevation) extension. The scheme is of a contemporary design with mixed facing materials (stone faced and render) and glazed elements.

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
HC21 Car Parking Standards
- 3.2 National Planning Policy Framework (2019)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None

5.0 CONSULTATION RESPONSES

- Matlock Town Council
5.1 No Objection.

- Councillor Martin Burfoot
5.2 Requested that the application be considered at Planning Committee if recommended for approval, due to the scale of the extension and potential impact on neighbours.

6.0 REPRESENTATIONS RECEIVED

- 6.1 No representations received to date.

7.0 OFFICER APPRAISAL

Principle

- 7.1 The site is located within the Matlock Settlement Boundary where policies permit extensions and alterations to existing dwellings provided that they are in-keeping with the character and appearance of the property in accordance with policies PD1 and S3. Regard should also be given to Policy HC10 (Extensions to Dwellings) which requires extensions to have a height, scale, form and design that is in keeping with the scale and character of the original dwelling and the site's wider setting and location.

Impact on street scene and character

- 7.2 Policy PD1 requires all development to be of a high quality that respects the character, identity and context of the townscape and that 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 without resulting in an overdeveloped site and that the scale, height, form and design of the extension is in keeping with the scale

and character of the original dwelling and the site's wider setting and location. Following the construction of an extension sufficient space for parking should also remain, as set out in Policy HC21.

- 7.3 The size of the plot (approx. 290m²) is considered large enough to accommodate the scale of the proposed extension and is not considered that the development would result in an overdeveloped plot.
- 7.4 The proposed extensions will result in an increase of internal floor space of approx. 65m², however due to the design and massing of the extensions the additional floor space is distributed appropriately between the different extensions, allowing them to remain of a scale subservient to the main dwelling.
- 7.5 In terms of materials the use of stone and render is considered in keeping with the existing dwelling and neighbouring properties. The use of render to the first floor extension also helps it to retain a more subservient appearance to the main dwelling. On this basis the development is considered to respect the character of the main dwelling and surrounding properties and it is not envisaged that the development will be harmful within the wider street scene.
- 7.6 As the property and garden slope up from the street, implementing the proposal will require changes to land levels to the rear garden, however as the gardens to Crook Stile are typically tiered it is not considered that alterations to land levels in the rear garden will effect the character of the main dwelling or wider area.

Impact on the amenity of neighbouring properties

- 7.7 The dwelling sits within the north east corner of Crook Stile with a detached property to the west (18 Crook Stile) and a footpath (from Smedley Street) and a detached dwelling to the east (14 Crook Stile). No representations have been received from the neighbours in respect of the scheme, however a Local Ward Member has raised concerns with the potential impact the development may have on neighbours.
- 7.8 The extension has been designed so that the extension steps down to single storey height adjacent to the boundary with 18 Crook Stile. Within the single storey extension there is one window facing west which will serve the kitchen/ dining room. Within the two storey extension (set back from 18 Crook Stile) there is also a west facing window, however this is to be obscure-glazed and will serve a non-habitable room (a bathroom). It is not considered therefore that the proposed extension would not result in a significant loss of light or privacy to the occupiers of 18 Crook Stile.
- 7.9 The design of the extension means that the first floor extension and two storey extension are to the east of the site, adjoining a pedestrian path and 14 Crook Stile. The orientation and siting of 14 Crook Stile mean that it is set back into its plot with a larger extent of land to the front than the rear. Due to this positioning 16 Crook Stile the extension will be mostly adjacent the front garden/ driveway of 14 Crook Stile rather than the dwelling itself. There is also a pedestrian path between the two dwellings acting almost as buffer between the properties. There will be patio doors to the ground floor of the extension facing east, as well as two windows to the first floor facing east. Amendments have been sought from the agent for additional obscure glazing to be included into the design of the first floor windows, to help reduce any sense of overlooking from the extension onto 14 Crook Stile. The lower half of the full length bedroom window will now be obscure glazed. The other first floor window will also be obscure-glazed and will serve a non-habitable room (a bathroom). It is not considered therefore that the proposed extension would not be overbearing or result in a significant loss of light or privacy to the occupiers of 14 Crook Stile.

Conclusion

7.10 The extensions are considered to be acceptable in terms of design and scale and would not cause any significant impact on the residential amenity of the neighbouring properties. The application is therefore considered to be in accordance with policies S3, PD1, HC10 and HC21 of the adopted Derbyshire Dales Local Plan and is recommended for approval on this basis.

8.0 RECOMMENDATION

That planning permission be permitted 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:

01 - Site Location Plan, Drawing No. LA-XS-0001 (received 27.03.2023).

02 - Proposed Block Plan, Drawing No. LA-GS-0001 (received 27.03.2023).

03 - Amended Proposed Elevations, Drawing No. LA-GE-0001, Rev. B (received 03.05.2023).

04 - Proposed Floor Plans, Drawing No. LA-GP-0001 (received 27.03.2023).

Reason:

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

3. Full details of the render (colour and finish) shall be submitted to and approved in writing by the Local Planning Authority before being applied to the external surfaces of the approved development. The development shall thereafter be undertaken in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with policy PD3 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

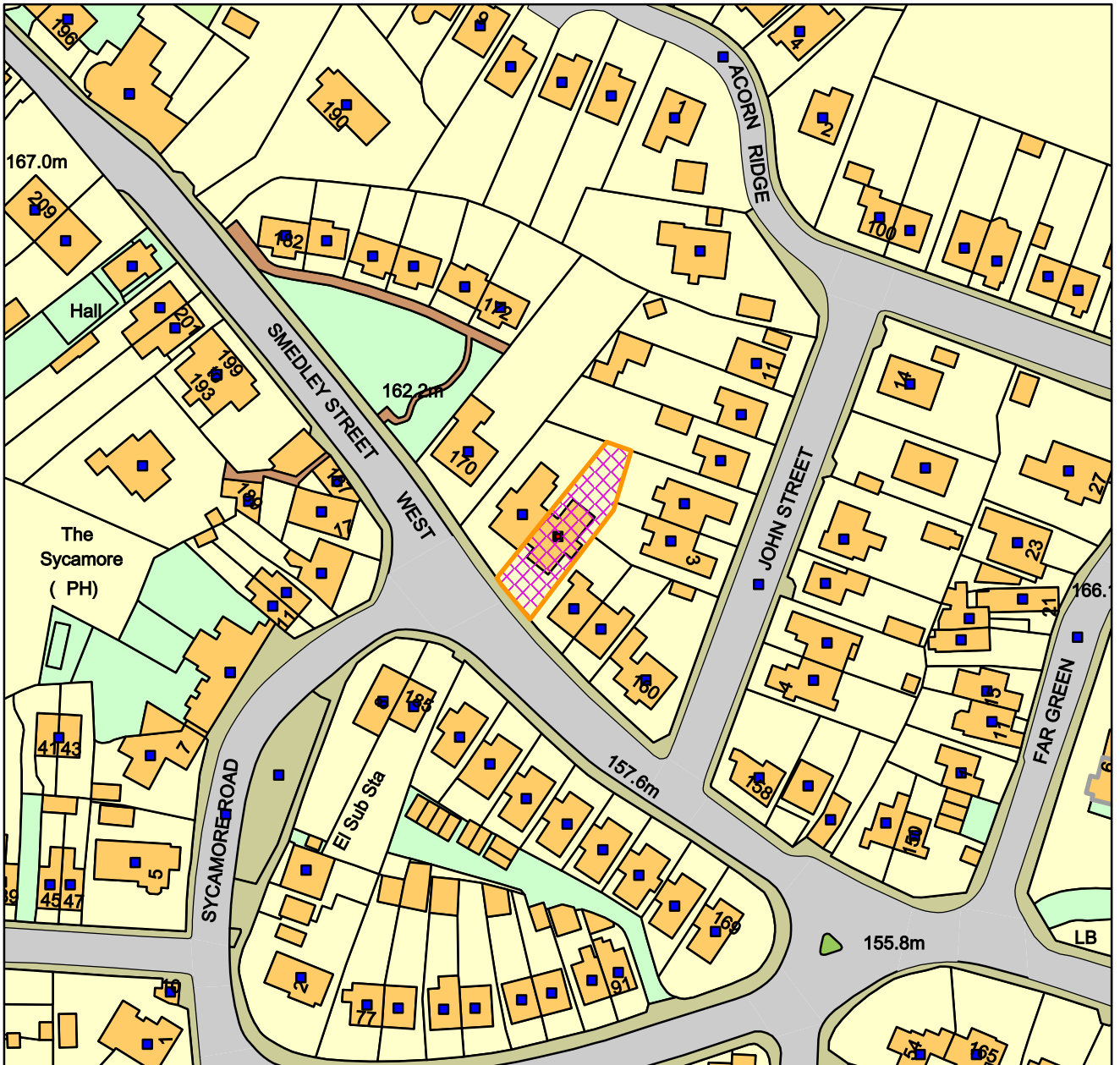
9.0 NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the agent which has resulted in revised proposals included further obscure glazing within the design of the windows east elevation of the extension, to overcome some concerns with potential overlooking.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable

by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

23/00310/FUL

166 Smedley Street, Matlock, Derbyshire, DE4 3JA



Derbyshire Dales DC

1:1,250

Date: 30/05/2023

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APPLICATION NUMBER		23/00310/FUL	
SITE ADDRESS:		166 Smedley Street, Matlock, Derbyshire, DE4 3JA	
DESCRIPTION OF DEVELOPMENT		Creation of access, erection of hard surface and retaining walls for car parking area and associated engineering works.	
CASE OFFICER	G Huffen	APPLICANT	Mr Peter Evans
PARISH/TOWN	Matlock All Saints	AGENT	Mr Dan Ward – Ward Design
WARD MEMBER(S)	Councillor S Burfoot, Councillor M Burfoot and Councillor S Wain	DETERMINATION TARGET	16.06.2023
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site in context

MATERIAL PLANNING ISSUES

- Impact on the Character and Appearance of the Area.
- Highway Safety.

RECOMMENDATION

That the application be approved subject to planning conditions set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

1.1 The application site is a parking area and associated new access formed to the front of 166 Smedley Street, a semi-detached bungalow which is stepped up from the road. Works to create the access and form the parking space commenced in February 2023 prior to this application being made and the development remains uncompleted. Smedley Street is a classified road and the site is located within the Matlock settlement boundary.



Site prior to works.



Site following works.

2.0 DETAILS OF THE APPLICATION

2.1 Retrospective planning permission is sought for the creation of a new vehicular access to the dwelling, the formation of a car parking area to the front of the dwelling, the construction of a concrete retaining wall and the associated engineering works undertaken to implement the development. The application also includes finishing details for the development, proposing that the visible retaining wall will be rendered to match the existing dwelling, the parking space will be finished with a textured floor slab and a glazed screen will be installed to the front of the dwelling above the retaining wall.

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
 - HC19 Accessibility and Transport
 - HC21 Car Parking Standards
- 3.2 National Planning Policy Framework (2019)
 - National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 CONSULTATION RESPONSES

Matlock Town Council

5.1 No Objection.

Derbyshire County Council (Highways)

5.2 There are no objections to the proposed development from a traffic and highway point of view subject to the following condition:

1. There shall be no gates or other barriers fronting the application site adjacent the highway.

Reason: In the interest of highway safety.

Please append the following informative to any consent for the applicant's attention: -

Informative:

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

2. Pursuant to Section 163 of the Highways Act 1980, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the highway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
3. The Highway Authority recommends that the 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 Highway Authority reserves the right to take any necessary action against the owner.

Councillor Sue Burfoot

5.3 Requested the application to be determined at Planning Committee.

6.0 REPRESENTATIONS RECEIVED

6.1 Two representations have been received to date. A summary of the representations is outlined below:

1 Letter of Support has been received from a neighbour as summarised below:

- History of parking issues on Smedley Street, which has been previously brought to the attention of officers and members.
- The removal of 2 further vehicles off-road will improve visibility for neighbouring properties and traffic from John Street.
- With the exception of 162 to 166 Smedley Street all of the properties along the North stretch of road have off-road parking so there is already a precedent here.

1 Letter of Objection has been received from a neighbour as summarised below:

- Concerns regarding how the development was undertaken and lack health and safety measures.

- Concern over lack of dropped kerb and resultant effect on well used pavement.
- Works considered unsuitable and unsafe in respect of road safety near a busy road junction causing a traffic hazard.
- Danger when using the space due to restricted views from parked cars on Smedley Street.
- Concerns regarding the level of excavations undertaken.

7.0 OFFICER APPRAISAL

Principle

- 7.1 The site is within the curtilage of an existing dwelling located within Matlock. Policies S3, PD1 and HC10 allow for development within the curtilage of dwellings in principle. The key issues are the impact of the development upon the property and the street scene and whether the development would provide a safe means of access in accordance with the requirements of policies PD1 and HC19.

Impact on the character and appearance of the property and wider street scene

- 7.2 Prior to the works taking place the property was fronted by a rockery garden which stepped up from the road level up to the house. There are external steps to the right hand side providing pedestrian access which have been retained. There was a small stone wall to the front boundary of the property also fronting 168 Smedley Street. As the property is stepped up from the road, excavation works were undertaken to remove a section of the front garden (approx. 31m²) to create a parking area with retaining walls around it. To finish the development it is proposed that a floor slab be laid with a drainage channel to the front, that the retaining walls be finished with render and a glazed screen to be installed to the front of the dwelling above the retaining walls to prevent falls.
- 7.3 It is considered subject to conditions, that when completed the development will not have a harmful impact to character or appearance of the property or the wider street scene and that due to the nature of 166 and 168 Smedley Street as bungalows stepped up from the road with a smaller boundary wall to the front, the loss of the front wall will not result in a diluted street frontage to this part of Smedley Street.

Impact on Highway Safety

- 7.4 The property as existing does not have any off-street parking. The development would provide off-street parking which in principle is acceptable and in accordance with adopted parking standards set out under policy HC21,
- 7.5 An objection to the application has been received from a neighbour which includes objections on grounds of highway safety. The Highway Authority has been consulted on the application and have no objection to the development from a highway safety perspective provided that a planning condition is imposed restricting the erection of gates or other barriers to the front of the site adjacent the highway.
- 7.6 There is not sufficient space for vehicles to turn on the site and therefore vehicles would have to reverse into our out of the proposed parking space. Nevertheless, having regard to advice from the Highway Authority it is not considered that there would be an unacceptable impact upon highway safety. If planning permission is granted a condition restricting gates or other barriers would be reasonable and necessary.

Conclusion

- 7.7 Given the above comments from the Highways Authority and the details provided confirming how the development is to be finished, it is considered that the proposal is in accordance with Policies PD1, S3, HC19 and HC21 of the adopted Derbyshire Dales Local Plan (2017). In the absence of any further material considerations the application is recommended for approval, subject to conditions.

8.0 RECOMMENDATION

That planning permission be permitted subject to the following conditions:

1. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and documents, except insofar as may otherwise be required by other conditions to which this planning permission is subject:

01 - Site Location Plan and Block Plan, Drawing No. 2302/01 (received 20.03.2023)

02 - Existing and Proposed Plans & Elevations, Drawing No. 2302/02 (received 20.03.2023)

Reason:

For the avoidance of doubt and to ensure the satisfactory external appearance of the development.

2. Notwithstanding the approved plans, within 6 months of the date of this permission the parking area shall be surfaced in accordance with details (material, colour, finish and drainage) which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policy PD1 and S3 of the Adopted Derbyshire Dales Local Plan 2017.

3. Notwithstanding the approved plans, within 6 months of the date of this permission the retaining walls shall be constructed and faced in a rough cast render in accordance with details (colour and finish) which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance of the development in accordance with Policy PD1 and S3 of the Adopted Derbyshire Dales Local Plan 2017.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no gates or other barriers shall be erected on the parking area hereby approved without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason: In the interests of highway safety in accordance with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.
3. 1. 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>

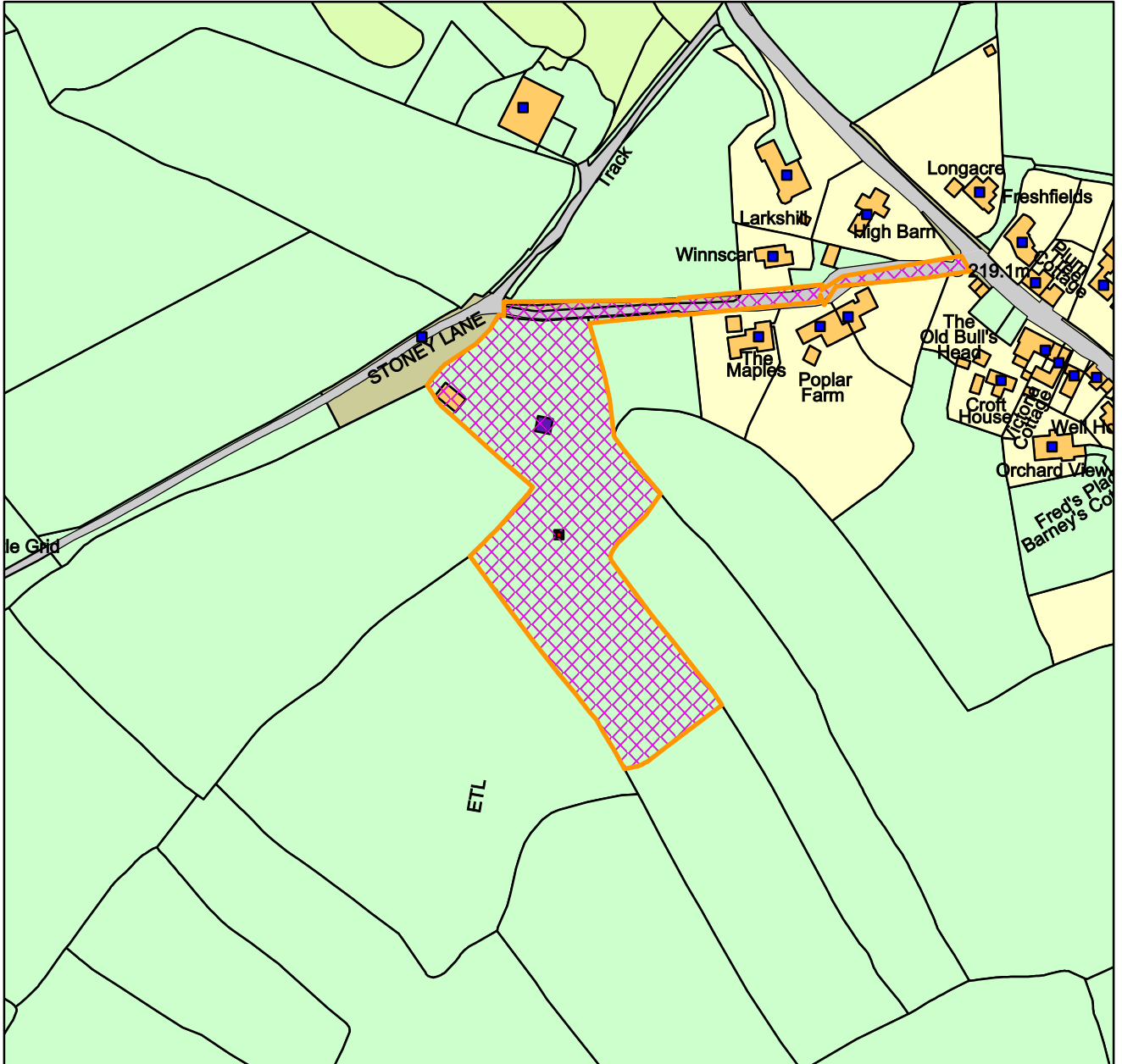
or via E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

2. Pursuant to Section 163 of the Highways Act 1980, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the highway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

3. The Highway Authority recommends that the 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 Highway Authority reserves the right to take any necessary action against the owner.

22/01081/FUL

Land South Of Stoney Lane, Hognaston, Derbyshire



Derbyshire Dales DC

1:2,500

Date: 30/05/2023

100019785

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Telephone: (01629) 761100.
website : www.derbyshiredales.gov.uk

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APPLICATION NUMBER		22/01081/FUL	
SITE ADDRESS:		Land South Of Stoney Lane, Hognaston	
DESCRIPTION OF DEVELOPMENT		Change of use of land and erection of 2no. glamping pods, a parking area, package treatment plant with associated development	
CASE OFFICER	Adam Maxwell	APPLICANT	Mrs Teresa Waiton
PARISH/TOWN	Hognaston	AGENT	Mrs Anita Punchard
WARD MEMBER(S)	Cllr Dermot Murphy	DETERMINATION TARGET	16.06.2023
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site in context

MATERIAL PLANNING ISSUES

- Whether the development is acceptable in principle
- Visual and landscape impact of the development
- Impact upon cultural heritage and archaeology
- Impact upon amenity
- Impact upon highway safety

RECOMMENDATION

That the application be approved subject to planning conditions set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

- 1.1 The application site comprises part of a field south of Stoney Lane currently used by the applicant for grazing horses. There is an existing stable building in the North West corner of the field. The level of the field drops down to the south away from Stoney Lane. Access is from Stoney Lane a stone track and public footpath off Stonepit Lane which serves the site along with a number of neighbouring properties.
- 1.2 The site is located to the west and just outside of Hognaston and is adjacent to the designated Hognaston Conservation Area. The nearest neighbouring properties are The Maples and Poplar farm located to the east of the site on the south side of Stoney Lane.



2.0 DETAILS OF THE APPLICATION

- 2.1 The application proposes the change of use of the site and the erection of two glamping pods and associated parking area, package treatment plant, lighting and landscaping.
- 2.2 The amended plans show that the glamping pods would be sited within the site adjacent to the eastern boundary. The parking area would be to the south of the existing stable with pedestrian access down to the pods. The package treatment plant would be sited adjacent to the southern boundary. Each pod would provide 24m² of floor space accommodating up to 4 people each. The pods would be constructed within a tube which would be dug 0.65m into the ground and provided with an earth sheltered roof.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1 Sustainable Development Principles
S4 Development in the Countryside
PD1 Design and Place Making
PD2 Protecting the Historic Environment
PD3 Biodiversity and the Natural Environment
PD5 Landscape Character
PD6 Trees, Hedgerows and Woodlands
PD7 Climate Change
PD9 Pollution Control and Unstable Land
HC19 Accessibility and Transport
HC20 Managing Travel Demand
HC21 Car Parking Standards
EC1 New and Existing Employment Development
EC8 Promoting Peak District Tourism and Culture
EC9 Holiday Chalets, Caravan and Campsite Developments

3.2 National Planning Policy Framework (2021) National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

None relevant

5.0 CONSULTATION RESPONSES

5.1 Hognaston Parish Council

“Object to the application for the following reasons:

- The proposals would see an unacceptable increase in traffic volumes on Stoney Lane. The lane is an unadopted, narrow and steep lane. It has no turning space and large areas of the surface are loose stone and gravel. It is unsuitable for heavy and constant use by vehicles.
- Stoney Lane carries the route of a public footpath and is popular with walkers. Considering the condition and nature of the lane, any increase in traffic would put pedestrian safety at risk. Stoney lane is predominantly used as an access road to 3 farms. Any additional vehicles using or parking on the lane will create access issues for tractors and large agricultural vehicles.
- Nearby properties will be impacted by an increase in noise from the activities of people on the site – which is likely to go on into the late hours. The noise will also detract from a peaceful, rural setting.
- The application makes no reference to site management and the applicants do not live nearby. Any disturbance to nearby properties from noise or irresponsible behaviour on the site will not be dealt with in a timely or effective manner.
- The Parish Council object to the change of use from agricultural land to tourism. This would set a precedent in a tranquil, rural area that is already facing the threat of over-commercialisation.
- There are concerns that the two glamping pods are just the beginning. Should permission be granted, the site will be extended with more pods installed at a later date.
- The plans do not indicate exactly what area of land is proposed to be used for tourism. The boundary marked out in the application simply outlines the entire field. This needs to be clarified.

5.2 Environment Agency

No comment

5.3 Derbyshire Wildlife Trust

“We have reviewed the Preliminary Ecological Appraisal (PEA) (ML-Ecology, 2022). We note that a desktop data consultation was not undertaken with the local Biological Records Centre; however, we have checked out database and note there is a Dunnock record on site from 2020. Dunnocks are classified as Amber under the Birds of Conservation Concern 4: the Red List for Birds (2021).

The proposed development is unlikely to have a significant impact to local dunnock populations, but it is recommended that native species planting is secured to enhance foraging and nesting opportunities for dunnocks, see below.

The ecological survey has been undertaken in accordance with best practice and current guidelines and is considered to provide a robust assessment of the ecological features present at the site and the potential impacts of the proposed glamping pods, parking and treatment plant. We advise that sufficient information has been provided to determine the application.”

Planning conditions are recommended in respect of breeding birds, approval and implementation of Biodiversity Enhancement Plan and lighting.

5.4 Local Highway Authority

“The plan submitted clearly shows that the sightlines through the wall / fence which clearly isn't controlled land, however, I have received a highway boundary plan and given the highway boundary and the likely vehicle speeds in the area, along with the minimal increase in use which the proposal will create I do not consider that on balance an objection could be sustained.”

5.5 Design and Conservation Officer

Officer note: These comments were provided on the application as originally submitted. Any further comments will be updated at the meeting.

“The plot of land in question is located to the north-west of Hognaston village. The majority of the site lies outside the Conservation Area (but abuts it), however, a small part at the north-eastern top of the site is within the Conservation Area. The land is currently agricultural land bounded by mature hedgerows. Stoney Lane passes its northern point (which is also a public footpath).

The proposals is a change of use of part of the land and the erection of two 'glamping' pods and a parking area. A submitted layout, as proposed, indicates the location of the two pods, the package treatment plant and the access road and parking area. The pods are to be 'T' shaped in footprint (5.5m x 6m) with curved roofs (details are depicted on the submitted drawing) and formed from composite materials. The pods do not require a concrete slab formed on the ground as they are 'self-supporting'. The energy supply is stated as being supplied by 'solar panels', however, no details of their location, type etc. has been provided. The new track will be a 'farmyard style track' – no details have been provided. The submitted Design & Access Statement makes no reference to part of the site being within the Conservation Area or the site itself being adjacent to the Conservation Area boundary.

The primary conservation issue is the potential impact(s) of the proposed development on the character and appearance of the Conservation Area and on the setting of the adjacent Conservation Area. The access point for the track and a short length of it will be within the Conservation Area. The remainder of the track, parking area, glamping pods and treatment plant are outside the Conservation Area but in close proximity to it.

The site is clearly an integral part of the historic rural, agricultural, landscape that surrounds the village with evidence of historic field patterns and layout etc. Stoney Lane is an ancient access lane. In this regard, the proposed part-commercialisation of this plot of land and required infrastructure will result in a distinctive change in the character and appearance to the landscape. Whilst the proposed pods are to be located in a part of the field with established hedgerows to their rear they are of a scale, form and design that will appear out of context and anomalous in the rural environment. This will be compounded by the required access track and parking area, and the inevitable domestication of the site where the pods are with short mown grass, and the associated paraphernalia (sitting out space, external lighting, pathway from the parking area to the pods etc.) required by the people who will be using the pods.

It is considered that there will be some harm to the Conservation Area in relation to the proposed development and to the setting of the Conservation Area. Whilst that harm may not be deemed substantial, where the harm results in less than substantial harm, that harm should be weighed against the public benefits of the development.”

5.6 DDDC Environmental Health

“Environmental Health do have a slight concern with the application, as it’s not clear whether the operators for these pods are within close proximity, to manage any situations regarding anti-social behaviour or noise, it appears these are standalone units.

Therefore really we would like more clarification on how these units will be operated to ensure they are not detrimental to the local community, if the operator is not within the vicinity to know what is going on at the site. If the operators are within close proximity we would not generally have any concerns.”

5.7 DCC Archaeology

“I note the submission of a Heritage Statement and DBA with this application and its findings. I also note the presence of earthworks to the north of the junction of Stoney Lane and Stone pit lane(as on 1st Edn OS) along with quarrying and “old shafts”. Trackway/lane names of this type often refer to access to former borrowpits/quarries or relate to mineral extraction. I note also the presence of an open area at the junction of Stoney Lane and the southeastward track running to the Bulls Head as well as the presence of “wells” noted at this location on the 1st Edn OS. It would seem possible to me that the “undated earthworks” at the north of the site may relate to this open space with wells, possibly for watering, at its meeting point with the locally described “ancient routeway” that is Stoney Lane.

I would therefore suggest that further archaeological works comprising an archaeological watching brief and recording will be necessary during the creation of improved access onto the site and the creation of car parking, this where works are to extend below the level of the topsoil. This work could be undertaken however under para 205 of NPPF and secured through the addition of an archaeological condition to planning consent.”

5.8 DCC Footpaths

“The proposal would bring increased vehicles and horses in boxes on these public footpaths running along the access lanes to the site. Stoney Lane is a narrow lane and safety of path

users is paramount. The Rights of Way Section has no objection to the proposal, providing private rights do not derogate the public right to the footpath and the safety of path users.”

5.9 Derbyshire Dales Ramblers

“Ramblers Derbyshire Dales Group has no objection providing that:

- i) Hognaston FP 30 remains unaffected at all times, including the path surface, both during and after any development. Any change in the FP/track surface should be approved by DCC PRoW
- ii) Consideration should be given to the safety of members of the public using the paths during the proposed works. Appropriate traffic calming and safety measures should be considered from any increase in vehicular traffic.
- iii) both FPs 29 7 32 join Stoney Lane. Any encroachment of the FPs 29, 30 & 32 would need consultation with the DCC Rights of Way Team”

5.10 Peak and Northern Footpaths Society

“I have concerns about this application. I can see no acknowledgement in the documents that the section of Stoney Lane over which there would be vehicular access to the site is a public footpath - Hognaston FP30 (and possibly also a short length of FP29 as the plans are not consistent). There would be cars as well as vehicles with horse boxes using this footpath, and the surface of the path would probably need to be improved for such vehicles - any changes to the surface must be authorised by the county council. Also the planning officer would have to make sure that the lane was suitable for use by such vehicles without compromising the safety of walkers.”

6.0 REPRESENTATIONS RECEIVED

6.1 Five letters of representation have been received to date objecting to the proposed development. The material planning reasons are summarised below:

- The access is unsuitable for the proposed development.
- The development would harm highway safety and the amenity of footpath users.
- The development would significantly increase traffic on Stoney Lane which is narrow, steep and partially unmade.
- Noise from the development would harm the amenity of neighbouring properties.
- The development would require a source of power and a generator would cause unacceptable impact in term of noise.
- The owner of the development does not live in the village and so will not be able to intervene if there are any problems while the pods are occupied.
- The pods are large and not in keeping with the character of the area.
- The proposed parking area would have an adverse visual impact.
- Approval would set a precedent for additional development of a similar nature.
- The development would be located close to the existing pylon and risk associated with families playing in the area.
- Impact upon water supply to neighbouring properties.
- Whether the development will result in further development or erection of a house on the site.
- Inaccuracies in submitted application.
- Lack of connections to bridleways from the site. Stoney Lane is a public footpath and not suitable for uses to use to access public roads.

7.0 OFFICER APPRAISAL

- 7.1 The site is located within the open countryside, therefore Local Plan Policy S4 is relevant. This states that planning permission will be granted for development where it represents sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities. Policy EC1 provides support for proposals for new business development in sustainable locations that contribute toward the creation and retention of jobs and employment opportunities.
- 7.2 Policy EC8 deals specifically with promoting Peak District tourism and culture and supports new tourist provision and initiatives in towns and villages, and in the countryside through the reuse of existing buildings or as part of farm diversification, particularly where these would also benefit local communities and support the local economy.
- 7.3 Policy EC9 relates specifically to proposals for holiday chalets and caravan and campsite developments. Development will be permitted provided that:
- a) the development would not have a prominent and adverse impact on the character and appearance of the immediate and wider landscape;
 - b) any visual impact would be well screened by existing landscape features from areas outside the site to which the public has access for the whole of its proposed operating season;
 - c) any on-site facilities are of a scale appropriate to the location and to the site itself;
 - d) the site is in a sustainable location within, or in close proximity to an existing settlement with good connections to the main highway network, and the public rights of way network and/or cycleways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services;
 - e) the development would not adversely affect the amenity, tranquillity or public enjoyment of any adjacent area.
- 7.4 The site is located in open countryside just east of Hognaston which is the nearest settlement. The site is not within Hognaston but is in relatively close proximity being 200m to the west of the centre of the village (measured in a straight line). The site is approximately a 4 minute walk from the centre of the village along Stoney Lane and Stonepit Lane.
- 7.5 The site is within a safe and attractive walk of Hognaston which is a named settlement, albeit with limited services provided by the Red Lion Inn. The 111 Matlock to Ashbourne bus stops within the village 3 – 4 times a day. The site is well connected to the highway and public footpath network. The site is therefore located in a sustainable location in accordance with policies S1, S4 and EC9 (d). Therefore a development of the scale proposed would in principle be a sustainable form of rural tourism. The key issues therefore are the impacts of the development upon the site, its surroundings and neighbouring properties.

Impact of the development

- 7.6 Policy S4 seeks to ensure that new development protects and where possible, enhances the intrinsic character and distinctiveness of the landscape, including the character, appearance and integrity of the historic and cultural environment.
- 7.7 Policy PD1 requires development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes, development on the edge of settlements to enhance and/or restore landscape character, contribute 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.
- 7.8 Policy PD5 seeks to resist development, which would harm or be detrimental to the character of the local and wider landscape and requires developments to be informed by and

sympathetic to the distinctive landscape character areas as identified in 'The Landscape Character of Derbyshire' and 'Landscape Character of the Derbyshire Dales' assessments.

- 7.9 For the purposes of the adopted Landscape Character of Derbyshire assessment the application site is located within the Peak Fringe & Lower Derwent and the Wooded Slopes & Valleys landscape character type (LCT). This landscape is characterised by upland, undulating ground rising to moorland, moderate to steep slopes, permanent pasture, densely scattered small to medium ancient woodlands and secondary woodland on steeper slopes and along streams, densely scattered hedgerow trees, irregular fields, winding lanes and dispersed sandstone farmsteads. The landscape in and around the application site reflects this character.
- 7.10 The proposed pods would be located to eastern side of the field the north of the field adjacent to the boundary hedgerows. This field rises up to the level of the lane where the existing stable is located and where the access track and parking area is proposed. An electricity pylon is located in the centre of the field. Mature trees and hedges around the field offer some visual screening from Stoney Lane and from the public footpath to the south (footpath 27). around the property, field boundaries and along the highway provide some visual screening around the fields.
- 7.11 The mature trees and hedges around the site limit views to the section of Stoney Lane passing the site and views in the wider landscape from the south. Views from footpath 27 to the south are screened by intervening mature trees and hedgerows above which the pylon can be seen. Views of the proposed development would therefore be limited and overall the development would be well screened from wider views in the landscape and would not be prominent from the majority of public vantage points. The construction of the pods and provision of earth / grass roofs would further mitigate impacts subject to approval of details.
- 7.12 Therefore the development would be well screened by existing landscape features in accordance with policy EC9 b). The fields have a pastoral character but are enclosed by groups of mature trees and hedges.
- 7.13 The proposed design of the pods would not reflect exiting buildings in the local area but are considered to be an appropriate design in terms of minimising impact upon the character and appearance of the site and the landscape. The pods are relatively small structures and would not have an overt domestic appearance or be visually harmful. The application proposes to use the existing access and provide parking adjacent to the existing stable which would act to mitigate the visual impact to a degree.
- 7.14 The development would therefore not be prominent nor result in an adverse impact on the character and appearance of the immediate and wider landscape in accordance with policy EC9 a). The visual impact of the development would be well screened by existing landscape features from areas outside the site to which the public has access in accordance with policy EC9 b). The development therefore would not result in a harmful visual or landscape impact subject to planning conditions to agree details and lighting and restrictions upon the nature and extent of the use of the site for camping.

Impact upon cultural heritage and archaeology

- 7.15 Policy PD2 requires development to conserve and enhance cultural heritage assets including designated and non-designated heritage assets and archaeology. Paragraph 194 of the National Planning Policy Framework states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 7.16 The majority of the site is located adjacent to the designated Hognaston Conservation area, however, a short section of the proposed access is located within. Therefore, the primary conservation issue is the impact upon the Conservation Area and its setting.
- 7.17 The site is an integral part of the historic rural, agricultural landscape that surrounds the village with evidence of historic field patterns. Stoney Lane is an ancient access lane. The proposed erection of the glamping pods, access and parking area along with associated activity will result in change to the character of the field. The Design and Conservation Officer was consulted on the original submission and considered that the development would result in some harm to the Conservation Area and its setting.
- 7.18 The amended plans show two smaller pods of a simpler design. The pods would be dug into the level of the field and provided with an earth and grass roof. Therefore the impact of the amended pod structures upon the setting of the Conservation Area would be limited. The development would require an access track to the parking area adjacent to the stables which would have a visual impact. However, impact upon the Conservation Area would be limited provided an appropriate stone surface is utilised.
- 7.19 Use of the site for camping would result in activity, parked cars and lighting during occupation. The impacts would be largely focused around the pods however which are located down the field and behind the pods relative to Stoney Lane. The impact associated with occupants would therefore be limited. Parked cars would be adjacent to the stables and not result in any harmful impact. Lighting could result in a harmful impact but could be adequately controlled by planning condition to minimal low powered down lighting.
- 7.20 The application is supported by a heritage statement and desk-based assessment. The County Archaeologist has been consulted and raises no objection provided that a planning condition is imposed requiring archaeological works as part of any development in relation to earthworks identified at the north of the site.
- 7.21 The proposed development comprises the erection of an access track and parking area in the northern part of the site and therefore has the potential to impact upon below ground archaeology. It is therefore considered to be reasonable and necessary to impose a planning condition requiring archaeological work to be carried out to comply with the requirements of policy PD2 and the NPPF.
- 7.22 The amended scheme is considered to have overcome initial concerns about the impact of the development upon the Conservation area and its setting. Subject to planning conditions while the development would result in some visual impact it is not considered to result in harm to the Conservation Area or its setting. The application is therefore in accordance with the requirements of policy PD2 and the NPPF in this respect.

Highway safety and amenity

- 7.23 Access to the site would be via an existing field access from Stoney Lane which is a single lane stone track and footpath. A number of concerns have been raised about the impact of the development upon users of Stone Lane and highway safety more generally.
- 7.24 Stoney Lane does provide access to a number of farms, however, traffic is likely to be very limited and sensitive to development which results in additional vehicle movements. However, the development would provide a limited number of pods and would attract up to two groups of visitors at any time. Therefore, additional vehicle movement would be very limited and therefore unlikely to result in any significant adverse impact upon the road network or the amenity of pedestrians and other road users.

- 7.25 The applicant has submitted additional plans showing visibility from Stoney Lane onto Stonepit Lane. Sightlines to the south are obstructed by the wall / fence which is not under the control of the applicant, however, there is no objection from the Highway Authority given the vehicle speeds in the area along with the limited increase in movements that the development would generate. The development therefore would not harm highway safety.
- 7.26 The proposed glamping pods would be located approximately 40m from the garden of the nearest neighbouring property (The Maples). Given the number and scale of the pods and intervening distance there are no concerns that the development would be overbearing or result in any significant loss of light or privacy. The occupants of the pods would generate noise, however, given the distance and intervening planting it is considered unlikely that the development would result in any significant harm to the amenity of occupants of neighbouring properties.

Other issues

- 7.27 The site is a field grazed by horses and the development would be located near existing trees and hedgerows and therefore activity and lighting at the site could impact upon protected species. A Preliminary Ecological Appraisal (PEA) has been submitted and Derbyshire Wildlife Trust (DWT) consulted. The report concludes that there would be no significant impacts upon protected species and DWT raise no objection subject to conditions to mitigate construction impacts upon birds, control lighting and to secure an appropriate scheme to secure biodiversity net gain. These conditions are considered to be reasonable and necessary for the development to meet the requirements of policy PD3.
- 7.28 The proposed development would be sited away from existing boundary trees and hedgerows and therefore would not result in any significant impacts in accordance with policy PD6 subject to approval of a method statement in relation to the proposed access and track.
- 7.29 Surface water would be to soakaways around the structures which is acceptable. The development is within Flood Zone 1 and therefore at the lowest risk of flooding. The development would not increase the flood risk to neighbouring properties. The application states that foul drainage would be to a package treatment plant. Given the distance to the main sewer it would not be practicable or viable to connect, and therefore a package treatment plant is acceptable to mitigate pollution and impacts upon the water environment in accordance with policy PD9. If permission were granted a planning condition would be recommended to secure a treatment plant to be installed and operational before the first occupation of the development.
- 7.30 The development would provide tourist facilities which would likely contribute to the local economy and provide employment. These economic and social benefits are welcomed in principle.
- 7.31 Policy PD7 states that the Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. The development does not include any specific measures to mitigate the impacts of climate change. The proposed buildings would however be earth sheltered which would significantly reduce energy requirements for heating.
- 7.32 There is no evidence to indicate that the development would impact water supplies to neighbouring properties or that there would be safety concerns in relation to the pylon. Concerns have been raised in regard to the potential to set a precedent, however, this

application must be considered on its own merits against relevant policies and taking into account any relevant material considerations. Any further tourism development on the site or in the local area would also be considered on its own merits, taking into account cumulative impacts.

Conclusion

- 7.33 The proposal comprises the development of glamping pods in a relatively sustainable location close to Hognaston. Therefore in principle policies are supportive of tourism development in this location.
- 7.34 The proposed pods would be screened by the existing mature trees and hedgerows, particularly from the south. The pods and associated development would not be prominent from Stoney Lane or other public vantage points. The development would therefore not be prominent nor result in an adverse impact on the character and appearance of the immediate and wider landscape contrary to policy EC9 a). The visual impact of the development would be well screened by existing landscape features from areas outside the site to which the public has access in accordance with policy EC9 b).
- 7.35 The development would not result in harm to the designated Hognaston Conservation Area or its setting. Sufficient information has been provided to assess potential impacts upon below ground archaeology in accordance with policies PD2 and the NPPF.
- 7.36 Subject to planning conditions the development would not harm highway safety or the amenity of neighbouring properties. The development would conserve and result in minor benefits to biodiversity and the local economy.
- 7.37 Taking the above into consideration the application is in accordance with the Adopted Derbyshire Dales Local Plan (2017). Relevant policies are up-to-date and in accordance with the National Planning Policy Framework (NPPF). In the absence of any further material considerations indicating otherwise, the application is recommended for approval.

8.0 RECOMMENDATION

8.1 Approve subject to the following planning 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 approved plans and subject to the following conditions or modifications.

1:1250 Site Plan (received 21.04.2023)
1:2500 Location Plan (received 21.04.2023)
Extended Topographical Survey – PS 101A
Glamping Pod CAD Design – 15822-1 Rev 1
Package sewage treatment plant Details.

Reason:

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

3. No development shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and
 1. The programme and methodology of site investigation and recording
 2. The programme and provision to be made for post investigation analysis and reporting;
 3. Provision to be made for publication and dissemination of the analysis and records of the site investigation.

The development shall not be carried out other than in accordance with the approved Written Scheme of Investigation.

Reason:

To ensure that impacts upon on-site archaeology are appropriately monitored, mitigated and recorded in accordance with policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework.

4. No development shall take place until a Biodiversity Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity on site. Measures shall include (but are not limited to) the following:

2x External Tawny Owl Bird Boxes (installed on mature trees on site)

2x External Bat Boxes (installed on mature trees on site)

Native planting as recommended within the Preliminary Ecological Appraisal (MLEcology, 2022).

The development shall not be carried out other than in accordance with the approved Biodiversity Enhancement Plan.

Reason:

To secure biodiversity net gain in accordance with the requirements of policy PD3 of the Adopted Derbyshire Dales Local Plan (2017) and the National Planning Policy Framework.

5. No stripping or vegetation clearance shall take place between 1st March and 31st August (inclusive), unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:

To mitigate the impacts of the development upon birds in accordance with policy PD3 of the Adopted Derbyshire Dales Local Plan (2017).

6. No development shall take place until details of surface and foul drainage to serve the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in complete accordance with the approved details and all drainage shall be installed and operational before the first occupation of any part of the development.

Reason:

To mitigate the impacts of the development upon the water environment in accordance with policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

7. Notwithstanding the approved plans, no development shall take place until an Arboricultural Method Statement (AMS) Impact has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in complete accordance with the approved method statement.

Reason:

To ensure that existing trees are appropriately protected in accordance with policy PD6 of the Adopted Derbyshire Dales Local Plan (2017).

8. Notwithstanding the approved plans, no part of the development hereby approved shall be occupied until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:
 - i. Proposed trees and hedges and defined limits of shrubs and grass areas;
 - ii. numbers of trees and shrubs in each position with size of stock, species and variety;
 - iii. types of enclosure (hedges, fences, walls etc);
 - iv. regraded contours and details of changes in level; and
 - v. access, access track, hard surface area for parking and any pedestrian paths.

Reason:

To ensure that the development incorporates appropriate planting and landscaping to conserve the site and its setting within the landscape in accordance with policies PD1, PD2, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

9. All hard and soft landscaping works shall be carried out in accordance with the approved details (subject of condition 6). All hard landscaping works shall be completed prior to the first occupation of any part of the development and all planting shall be carried out within the first planting season following the first occupation of any part of the development. Any trees or plants, either existing or planted pursuant to the landscaping works which, within a period of five years of the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the following planting seasons with others of similar size and species or in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development protects existing trees and hedges and incorporates appropriate replacement planting and landscaping which conserves the site and its setting within the landscape in accordance with policies PD1, PD2, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

10. The development hereby approved shall not be occupied until the access, access track and parking area have been provided, laid out and constructed. The parking area shall thereafter be maintained and available for its designated use throughout the lifetime of the development.

Reason:

In the interests of highway safety in accordance with policy HC21 of the Adopted Derbyshire Dales Local Plan (2017). 45

11. No external lighting shall be installed or erected on the site other than in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development conserves the site and its setting within the landscape in accordance with policies PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

12. Notwithstanding the approved plans, no works to install any camping pod shall be carried out other than in accordance with details (including precise location, ground levels, finished floor levels, earth banking / roofing and seeding) which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development conserves the site and its setting within the landscape in accordance with policies PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

13. The glamping pods hereby approved shall be used solely for the purposes of temporary holiday accommodation and shall not at any time be occupied as permanent residential accommodation. No person shall occupy the glamping pods for a continuous period of more than 28 days in any calendar year or more than a total of 8 weeks in a calendar year and it shall not be re-occupied by the same person/s within 28 days following the end of that period. The owner shall maintain a register of occupants for each calendar year which shall be made available for inspection by the Local Planning Authority upon request.

Reason:

The development is not considered appropriate other than as a holiday facility because it is outside any settlement framework boundary and does not accord with the development plan policies for general housing, namely policies S1 and S4 of the Adopted Derbyshire Dales Local Plan (2017).

14. 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 tent, caravan or habitable building or structure shall be sited or erected on the site (other than those expressly authorised by this permission) without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason:

To ensure that the Local Planning Authority retains control over the extent and nature of the use and impacts to ensure that the development conserves the site and its setting within the landscape in accordance with policies PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

15. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any order revoking or re-enacting that Order) no development required by the conditions of a site licence for the time being in force under the 1960 Caravan Sites and Control of Development Act shall be carried out or erected on the site

without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the Local Planning Authority retains control over the extent and nature of the use and impacts to ensure that the development conserves the site and its setting within the landscape in accordance with policies PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority considered the merits of the submitted application and discussed potential amendments and additional information requirements with the agent. The Local Planning Authority accepted the submission of a revised scheme and amended / additional supporting information and determined the application at the earliest possible opportunity.

This Decision Notice relates to the following documents:

Application form

1:1250 Site Plan (received 21.04.2023)

1:2500 Location Plan (received 21.04.2023)

Extended Topographical Survey – PS 101A

Glamping Pod CAD Design – 15822-1 Rev 1

Archaeological Desk-based Assessment and Heritage Impact Assessment – YA/2023/037

Preliminary Ecological Appraisal – 2208/09-MLE-01

Email from agent dated 21.04.2023

Planning, Design & Access Statement – Ref 2002/002

Supporting Statement for Committee Meeting – Ref 2002/002

Nottinghamshire Pods Brochure 2022

Nottinghamshire Pods Ltd. Environmental Statement

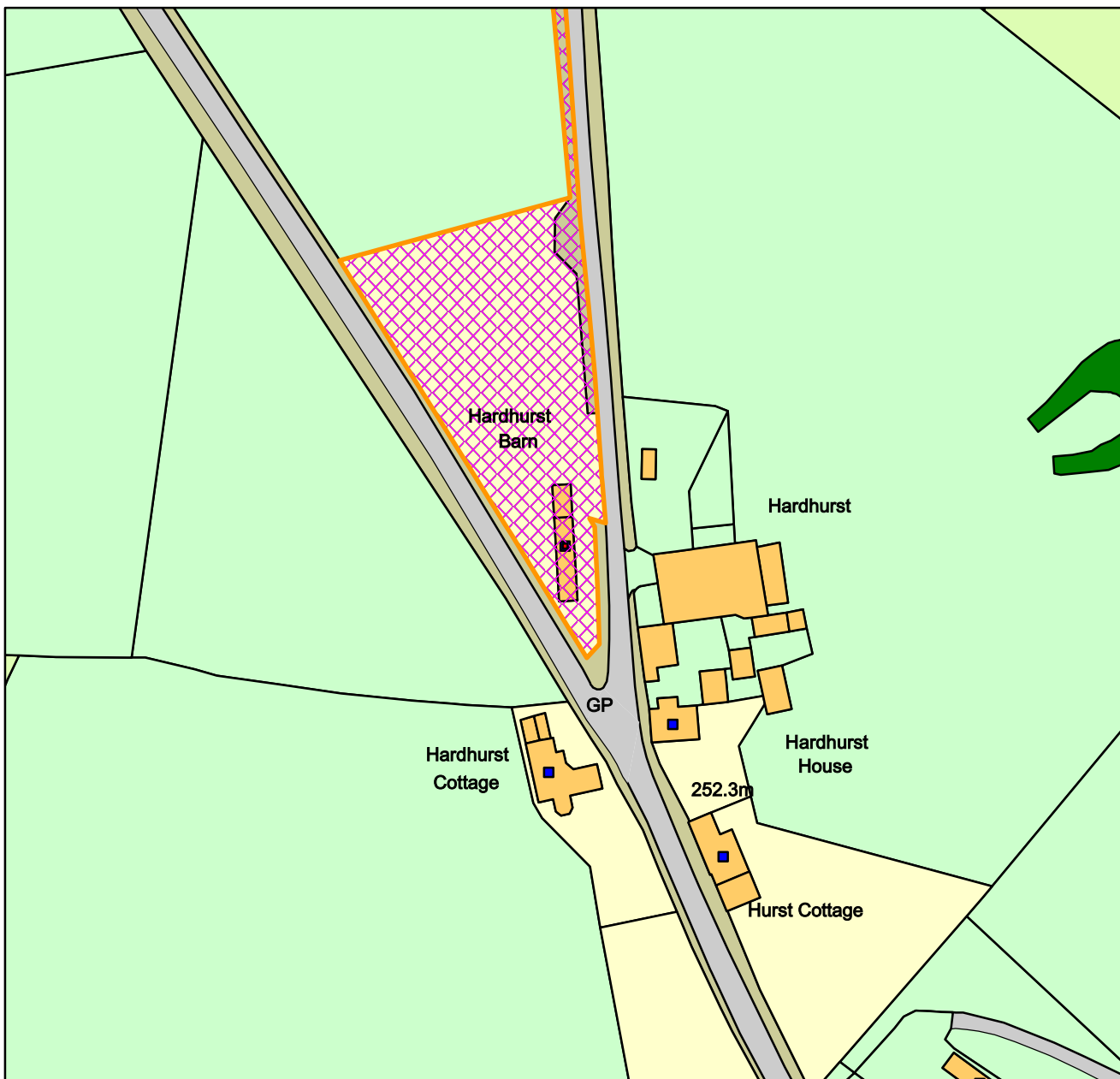
Package sewage treatment plant Details.

1. The application site is affected by a Public Right of Way (Footpath 30 Hognaston 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.
2. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £34 per householder request and £116 per request in any other case. The fee must be paid when the request is made and cannot be required retrospectively.

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23/00012/FUL

Hardhurst Barn, Breamfield Lane, Wirksworth, Derbyshire, DE4 4AF



Derbyshire Dales DC

Date: 02/06/2023

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Telephone: (01629) 761100.
website : www.derbyshiredales.gov.uk

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APPLICATION NUMBER		23/00012/FUL	
SITE ADDRESS:		Hardhurst Barn, Breamfield Lane, Wirksworth, Derbyshire, DE4 4AF	
DESCRIPTION OF DEVELOPMENT		Erection of agricultural storage building	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr Graham Hunt
PARISH	Wirksworth	AGENT	Crowley Associates Ltd
WARD MEMBERS	Cllr. D. Greatorex Cllr. L. Peacock Cllr. P. Slack	DETERMINATION TARGET	
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member given concerns of local residents	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the proposed development in its context

MATERIAL PLANNING ISSUES

- Introduction – policy principle
- Justification for the development
- Impact on the character and appearance of the open countryside
- Highway safety
- Impact on amenity
- Impact on trees

RECOMMENDATION

Approval subject to conditions.

1. THE SITE AND SURROUNDINGS

- 1.1 The site is a field with St Helen's Lane to the west and Breamfield Road to the east. There is a further field to the north in the applicant's ownership. There is a former barn to the south east of the field along the Breamfield Lane boundary. This was granted permission for conversion to a holiday let in 2011 (ref: 07/00459/FUL) and subsequently a variation of condition was approved to allow the barn to be used as a dwelling (permission 16/00407/VCOND) and permitted development rights were removed. The applicant owns this property.
- 1.2 The field is accessed by a field gate located on the north eastern corner with access off Breamfield Lane. This was granted a retrospective planning permission (ref: 21/00846/FUL) in 2021.



2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the erection of a storage building for agricultural and domestic purposes. This is a resubmission further to the refusal of planning permission for a building that was proposed to the north west corner of the field (ref: 22/00297/FUL) which was refused for the following reason:

The proposed building, by reason of its scale and height would be an unjustified encroachment and intrusion in the open countryside and its construction has the potential to harm trees. In addition, the access proposed to the building would present a visual scar across the field which would again harm the character and appearance of the open countryside. As such, the proposals would detract from the character, appearance and amenity of this part of the open countryside and be contrary to the aims of policies S1, S4, PD1, PD5 and PD6 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the District Council's Landscape Character and Design Supplementary Planning Document (2018).

- 2.2 The land holding was at the time advised to be some 0.8 hectares which was modest and was only being used for keeping chickens and a few sheep. The proposed building had a footprint of approximately 82 square meters and a height of 5m to ridge and little justification had been provided as to why the building is required to be so large, and so high, for the purposes of managing the associated land given the nature of the equipment identified to be housed. The applicant also referred to the building being required for domestic storage and there was a concern that the scale of the building was being partly justified by a building that related to domestic usage set within a field. This raised some concern that the applicant may have been wishing to domesticate this field to the rear of the dwellinghouse by having a building part utilised for domestic related purposes.
- 2.3 The current submission seeks to provide further clarification as to the need and purpose of the building. The applicant now proposes the building to be sited to the east of the field, to the north of the barn which has been converted to his dwellinghouse, and adjacent to the boundary wall to the highway to the east. The revised building is again proposed to be a steel framed storage building but is now proposed to measure 6.00m wide and 9.14m long occupying an approximate footprint of 54.86m². The agricultural building has been reduced in size since the previous application, by approximately a third, with one of three bays previously proposed having been removed. In terms of its height, the building is still proposed to be 5.06m to ridge and 4.2m to eaves.
- 2.4 In terms of appearance, the building is again proposed to be faced with vertical cladding which would be a single skin (0.5mm) plastisol coated steel sheeting and would be in a grey colour. The roof of the proposed building would be clad in natural colour profile 6 sheeting with translucent sheets to create roof lights. A hand operated roller shutter door is proposed in the northern elevation of the building to allow for security, and a steel security door is proposed to be fitted on one side of the building to allow for pedestrian access. Black PVC gutters are proposed be fitted to each side of the building, with downpipes to suit, and all rainwater would be directed into a soakaway.
- 2.5 The applicant advises that the building would provide storage space for their tools and machinery to aid them in their agricultural operation and it is advised that there are currently no buildings on site which can be used to safely house their equipment. The types of tools which would be stored, but are not limited to, include grass maintenance equipment, a tractor trailer, a quad bike, a field topper and dry stone wallage equipment. In addition, it is proposed to keep feed for the applicant's hens and a few sheep would also be kept there.
- 2.6 It is advised that the applicant owns the field within which the building is proposed and the adjoining field to the north, as detailed with the previous planning application. However, the

applicant now advises that a significantly larger field to the east of Hardhurst Farm is in the ownership of his parents and that he takes on much of the farming operations. To this end, it is advised that the building is proposed to be sited, for practical and security purposes, close to the applicant's dwelling. It is also advised that, whilst there are a number of buildings located with the applicant's parents' property on the opposite side of the road, none are deemed suitable for storage as an alternative to the proposed development.

- 2.7 The applicant recognises that the Officer's preference, in terms of impact on the open countryside, would be to see any building sited as close as possible to existing buildings. Therefore, the applicant is now proposing to site the building adjacent to Breamfield Lane and the car parking area which serves the dwelling. The orientation of the building would be such that the roller shutter door would be north facing. Having noted the Local Planning Authority's concerns with the access track proposed under the previous application, it is now the intention to have no formal track laid between the access point and the building in order to retain the open aspect and agricultural appearance of this part of the site.
- 2.8 The current application also relocates the proposed building away from proximity to the trees on the north western side of the field but places it adjacent to other trees on the north eastern boundary. Given the above, the applicant has submitted an arboricultural statement to justify the revised siting of the building. This details trees around the field boundary and advises that the building's optimal position on the site, in visual terms, causes a very small portion of it to be within the identified Root Protection Area (RPA) of T2 (Plum Tree). This is a highway tree (outside the applicant's ownership) which is identified by AWA Tree Consultants as being a Category C, semi-mature Ash with low amenity value and the building would not encroach beneath the canopy of this tree. The applicant considers this encroachment is so minor that the effect on the health and longevity of the tree is considered by the consultant to be immaterial. Notwithstanding the tree being located at road level, the site sits below road level and, as such, it is advised that it is highly unlikely that the tree's roots encroach onto the application site.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S4	Development in the Countryside
PD1	Design and Place Making
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change

3.2 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)

3.3 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2018)

3.4 National Planning Policy Framework

3.5 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

22/00297/FUL Erection of storage building for agricultural and domestic equipment -
Refused

5. CONSULTATION RESPONSES

Town Council

- 5.1 - no comment
- Wirksworth Town Council has declared a climate emergency and therefore supports any development or change that seeks to reduce the carbon footprint.

Local Highway Authority (Derbyshire County Council)

- 5.2 - no objections to the proposed development from a traffic and highway point of view

Arboriculture and Landscape Officer (Derbyshire Dales District Council)

- 5.3 - comment on impact on trees on roadside
- accept that some trees may not be constraints due to Ash dieback but that T3 (plum) and T5 (sycamore) are semi-mature trees and are not described as showing any disease symptoms
- appears no reason to consider that they are likely to have a reduced life expectancy and are likely to live for many more decades, developing over time into fine mature trees, and recommend that they should be considered as constraints to development
- accordingly, their rooting systems should not be potentially harmed by development (including ground level change, excavation, construction, surfacing) in their root protection areas as calculated according to BS 5837:2012.

Councillor P. Slack

- 5.4 - have received number of objections from residents of Breamfield, Wirksworth Moor to the application
- objections have stated that the owner is a builder and he's not involved in farming
- his relations are involved in farming and do sometimes farm animals into the field
- to fully assess the position, ask for the application to go to Committee for Councillors to make decision.

Councillor M. Ratcliffe

- 5.5 - concerns raised with respect to the intended use of the building and whether it may result in it be used for a workshop rather than for agricultural storage
- type of equipment being housed is also questioned as being more suited to engineering operations than farming
- ask that these matters be raised with the agent before moving to planning recommendation.

6 REPRESENTATIONS RECEIVED

6.1 One letter of representation has been received which is summarised as follows:

- site changed from a discreet area under trees along Breamfield Lane to a new site which would be more visible - Council's Tree Officer has changed the position of the proposed barn
- suggest building is reduced to one bay in size with door to the east to be in keeping with the size of the existing property which has limited machinery which is a good compromise

7 OFFICER APPRAISAL

Introduction – Policy Principle

- 7.1 The principal matters to be assessed are whether the building is justified and whether the development will impact on the character, appearance and amenity of the area.

Justification for the Development

- 7.2 The building is proposed to serve as an agricultural building to manage the field within which it is proposed to be sited and the adjacent field to the north, which are both grazed by sheep. In addition, it is advised that the machinery stored in the building would be used to a significantly larger field to the east of Hardhurst Farm, which is in the ownership of his parents, which he takes on much of the farming operations. To this end, it is advised that the building is proposed to be sited, for practical and security purposes, close to the applicant's dwelling. It is also advised that, whilst there are a number of buildings located with the applicant's parents' property on the opposite side of the road, that none are deemed suitable for storage as an alternative to the proposed development.
- 7.3 Concern has been raised regarding the use to which the proposed building would be put, and it is advised that the owner is a builder and not involved in farming, albeit his relations are involved in farming and, it is advised, sometimes farm animals into the field. Nevertheless, as the applicant's parents are elderly, there would be the potential for Hardhurst Farm to be sold in the future as a separate entity and hence the applicant requires the building for the purpose of managing his own land and the farming operation.
- 7.4 To address the concerns raised, it is considered reasonable to ensure that the building is used for the purposes identified by the applicant. To this end, it is considered that if planning permission were to be granted for the building, that a condition is attached that the building shall only be used for the purposes of upkeep of the applicant's land holding and, should it no longer be required for such a purpose in the future, that the building be removed.

Impact on the Character and Appearance of the Area

- 7.5 The original proposal, which was refused planning permission (ref: 22/00297/FUL), was to site the building away from the current buildings and adjacent to St. Helens Road, directly underneath established trees, and it was proposed to be greater in size. It was considered that such a development, by reason of the proposed scale and height of the building, would be an unjustified encroachment and intrusion in the open countryside and its construction has the potential to harm trees. This also entailed a field access being proposed across the field, down the slope to an associated hardstanding and the building, which was considered a visual scar in the landscape.
- 7.6 To this end, the proposed re-siting of the building, contextually with the converted barn, is considered more appropriate in the grouping of buildings. Whilst the size of the building has been reduced by a third, the height remains as previously proposed. However, the height of the building would not be so apparent from Breamfield Lane given that the land is slightly lower than the road. Nevertheless, it would still be an encroaching structure and, as advised above, the building is only justified for the purposes of the upkeep of the applicant's land holding and, should it no longer be required for such a purpose in the future, will need to be removed. Conditions would be required regarding the levels of the building, its materials and any hardsurfacing.

Highway Safety

- 7.7 The Local Highway Authority has raised no objections to the proposed development

Impact on Amenity

- 7.8 Other than the applicant's dwellinghouse, it is considered that the building is sited sufficiently far away from neighbouring dwellinghouses to not constitute a significant loss of amenity to the owners of properties in the area.

Impact on Trees

- 7.9 The District Council's Arboriculture and Landscape Officer has assessed the proximity of the proposed building to trees aligning Breamfield Lane and considers that the rooting systems of these trees are very likely to extend for many metres into the site. This is because the field soil there would likely be highly favourable for root function, in contrast to the heavily compacted soil/road base beneath the road which would not be favourable for root growth. It is therefore likely that the majority of the rooting systems of the verge trees would be in the field and, furthermore, because they are unlikely to extend beneath the road, the roots are likely to compensate by extending into the field further than the default distance given by the BS5837:2012 RPA calculations.
- 7.10 Additionally, these trees are currently only semi-mature and have the potential to grow significantly larger. It is foreseeable that their canopies will extend further toward, or even over the proposed location of the building which would result in perceived/real risk of branches falling onto the building. To address this risk, the owners/occupiers of the building would likely wish to prune the trees' branches to reduce this risk. This has potential to harm the trees and reduce their amenity value. There may be pressure to remove the trees.
- 7.11 The District Council's Arboriculture and Landscape Officer is of the view that the verge trees make a significant contribution to the character and appearance of the local landscape and, accordingly, they should not be placed at risk; this could be achieved by relocating the building further from them. It is also the view, when considered as a group, the trees close to the proposed location of the building have a greater value than that of BS5837 category C which was given to them as individuals in the applicant's arboricultural report.
- 7.12 Category C implies that the trees should not be regarded as a constraint on development. However, the District Council's Arboriculture and Landscape Officer considers a category B would be appropriate for them when considered as a group and that this would indicate that they should be retained and appropriately protected and successfully incorporated into the development for the long term. In summary, the proposed location of the building is considered to be too close to the trees located on the highway verge and should be relocated further from them to a suggested minimum distance of 12m between building and trees.
- 7.13 In addition, no details of specification, positioning or timing of installation and removal of temporary tree protection fencing have been submitted. This fencing is important in order to indicate and protect those areas around retained trees that are likely to contain the majority of their rooting systems and as such should not be used for any site activity or development.
- 7.14 The applicant referred the comments to their arboriculturalist who describes the trees G1 to T6 as being located at a higher level than the site and beyond a stone retaining wall. In their view, these features are likely to limit root spread into the site (to the west), probably as much as the road to the east of the trees. As such, they stand by the RPAs as detailed in their report, where it states that any *detailed modifications to the shape of the RPA would largely be based on conjecture and so have been avoided.*

- 7.15 In response to the District Council's Arboriculture and Landscape Officer advises that that category B would be more appropriate for trees G1 to T6, when considered as a group, the applicant's arboriculturalist stands firm on their position that the trees should be category C. They consider this appropriate because of the presence of Ash dieback disease and that the trees are very unlikely to have a life expectancy of at least 20 years (which is essential for category B trees), as noted in section 3.2.8 of their report and the tree data. The applicant's arboriculturalist further comments that it may be appropriate for G1 and T2 to fall under category U, due to being infected with pathogens of significance to health.
- 7.16 Whilst the applicant has advised that he is content to relocate the building so that there is no encroachment into the plotted RPAs, they consider a 12m separation would result in the building being sited in the centre of the site and potentially isolated from existing built form, which were matters of concern in the determination of application reference: 22/00297/FUL.
- 7.17 Given the above, the trees were reconsidered by District Council's Arboriculture and Landscape Officer who has advised that, if there is Ash dieback, then quality category C could be applied to them and that they should not be considered as constraints on development. However, T3 (plum) and T5 (sycamore) are semi-mature trees and are not described as showing any disease symptoms. In the District Council's Arboriculture and Landscape Officer opinion, there appears no reason to consider that they are likely to have a reduced life expectancy and are likely to live for many more decades, developing over time into fine mature trees. The District Council's Arboriculture and Landscape Officer therefore recommends that they should be considered as constraints to development and that their rooting systems should not be potentially harmed by development (including ground level change, excavation, construction, surfacing) in their root protection areas as calculated according to BS 5837:2012.
- 7.18 To this end, it is considered reasonable to attach a condition that details of excavation works around trees T2 and T5 be submitted for approval and means of mitigating the impact on tree roots be explored. It is also considered reasonable to attach a condition that two trees are planted within the field, in an appropriate location to be determined, to offset the impact on biodiversity associated with the development and to go some way to mitigating against climate change.

Conclusion

- 7.19 Whilst concern has been raised as to the future use of the building, the applicant has stipulated that it is for agricultural use associated with his land holding. In this regard, the building is considered appropriate in its scale and design to serve such a function. It is now proposed to be sited contextually with other built form and considered to have less impact in its surroundings than the previously proposed development. It is considered reasonable to require samples of the materials to be submitted prior to the building being faced/roofed and for details of tree planting to be provided to offset any loss to biodiversity and to mitigate against climate change. Given that the building is also specifically required for agricultural purposes, it is considered reasonable to attach a condition that it be removed, and the land reinstated, should it no longer be required solely for the purposes of agriculture.

8 RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

2. The building hereby approved shall only be used for purposes associated with agriculture in the management of the land detailed in the application submission. When no longer required for agricultural purposes, the building shall be removed from the land within 12 months of the agricultural use ceasing and the land shall be reinstated as field within six months of the building's removal.

Reason:

The building is only justified for the purpose of agriculture associated with the landholding and is otherwise an unnecessary and encroaching intrusion into the open countryside and would otherwise be contrary to the aims of Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

3. Prior to the building being erected, cross section drawings detailing the level of the building on the site, to include any cut and fill of the land and means to mitigate against impact on tree roots, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be provided in accordance with the approved details

Reason:

To ensure the satisfactory appearance of the development, and to protect existing trees, to comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to the building being faced, details of the materials and colour treatment of the elevations, roof and doors of the building shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

5. Prior to the building being brought into use, details of any hardsurfacing, to include the access and any hardstanding, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be provided in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development to comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

6. The development hereby approved shall be undertaken fully in accordance with the Arboricultural Development Advice contained in the Arboricultural Report (A.W.A. Tree Consultants) (July 2022) received on unless otherwise agreed in writing by the Local Planning Authority. The retained trees shall be protected by fencing in accordance with BS 5837:2012 during the development phase, in accordance with protective fencing specifications and construction methods close to the retained trees to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To seek to retain trees which make a positive contribution to the character and appearance of the open countryside and seek to preserve biodiversity and to mitigate against climate change in accordance with Policies S1, S4, PD1, PD3, PD5, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to the building being brought into use, details of further tree planting shall be submitted to and approved in writing by the Local Planning Authority. The approved trees shall thereafter be planted in accordance with the approved details in the first planting season after the building is brought into use. Any such tree which, within a period of five years, dies, is removed, or becomes seriously damaged or diseased, shall be replaced in the next planting season with another tree of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To seek to enhance biodiversity and to mitigate against climate change in accordance with Policies S1, S4, PD1, PD3, PD5, PD6 and PD7 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
2. The Local Planning Authority have prior to and during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in revised proposals which overcame concerns regarding the previous planning application.
3. This decision notice relates to the following documents:

Site Location and Block Plan 1:1250 received on 6th January 2023

Drawing No. 22038 – 1 received on 6th January 2023

Planning Statement (Crowley Associates) received on 6th January 2023

Arboricultural Report (A.W.A. Tree Consultants) (July 2022) received on

Tree Constraints Plan 1:200 6th January 2023

Additional information received on 26th January 2023, 14th February 2023 and 1st March 2023.

23/000336/FUL

Biggin Old Hall, Biggin, Ashbourne



Derbyshire Dales DC

1:2,500

Date: 02/06/2023

100019785

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website : www.derbyshiredales.gov.uk

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APPLICATION NUMBER		23/00336/FUL	
SITE ADDRESS:		Biggin Old Hall, Biggin, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Proposed extension with solar roof tiles, ground source heat pumps and water supply boreholes, replacement porch, refurbishment of outbuilding and internal and external alterations and repair works	
CASE OFFICER	Sarah Arbon	APPLICANT	S and H Waterhouse
PARISH/TOWN	Biggin By Hulland	AGENT	J Probert - Oakenstone
WARD MEMBER(S)	Cllr Murphy	DETERMINATION TARGET	22 nd May 2023 (EOT 16 th June 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"> - Principle of development - Impact on residential amenity - Impact on character, appearance and significance of heritage asset

RECOMMENDATION
Refusal

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located to the east of Hulland Ward with Millington Green and Biggin located to the north west. It is accessed directly from the A517 just west of Cross o'th'hands via a road also serving Toad Holes Farm with the application at the end of the access road to the north west. The linear barn to the north west of the farmhouse has recently been converted. Biggin Footpath 19 runs adjacent to the north western boundary and goes east to the rear of the barn then heads north east.
- 1.2 Biggin Old Hall, Hulland Ward is a Grade II listed building (listed 1983). The property comprises of the Hall itself, a detached linear stone barn and two detached brick outbuildings. The barn and outbuildings are all curtilage-listed to the Hall and benefit from the Grade II listing. The Hall dates from the early 18th century.



2.0 DETAILS OF THE APPLICATION

- 2.1 The application includes a number of proposed works:-

New roof over existing retained timberwork.

Rooflight over stairs.

Extension- single storey to west gable with solar PV tiled roof.

Porch to east side entrance.

Doors and Windows.

Refurbish out-building to west of house (previous stable) as store and water treatment plant room.

Adapt outbuilding to east of house as suitable for bat-roost.

Ground source heating supply bore-holes and associated pipework.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1. Adopted Derbyshire Dales Local Plan 2017

S4 Development in the Countryside

PD1 Design and Place Making

PD2 Protecting the Historic Environment

PD3 Biodiversity and the Natural Environment

HC10 Extensions to Dwellings

- 3.2. Other:

The National Planning Policy Framework (2021)

National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

20/01126/LBALT	Structural repairs and rebuilding works to detached barn	PERC	21/01/2021
20/01327/FUL	Conversion of barn to ancillary accommodation with partial rebuild and refurbishment works	PERC	14/05/2021
20/01328/LBALT	Rebuild and refurbishment works to barn in relation to conversion to ancillary accommodation/ holiday let	WDN	15/03/2021
21/00353/LBALT	Rebuild and refurbishment works to barn in association with conversion to ancillary accommodation	PERC	17/05/2021
21/00353/DCOND	Discharge of condition 2 of application 21/00353/LBALT - Rebuild and refurbishment works to barn in association with conversion to ancillary accommodation	DISFUL	24/08/2021
21/01265/FUL	Extensions and alterations	Refused	31/01/22
21/01264/LBALT	Proposed link extension to stable building, refurbishment of stable building, erection of a replacement porch and external and internal alterations to farmhouse	Refused	31/01/22
22/00980/FUL	Erection of single storey side extension, alterations and refurbishment to existing dwelling	Refused	17/10/22
22/00981/FUL	Proposed single storey side extension, replacement porch, refurbishment of outbuildings, internal and external alterations and repair works	Refused	17/10/22

5.0 CONSULTATION RESPONSES

Biggin Parish Council

- 5.1 Biggin Old Hall is a grade two listed building of great architectural merit forming part of the historic hamlet of Biggin Parish, having a similar Georgian style and age to other original farmsteads in the parish. However on visiting the property last year it was clear that this farmhouse has had alterations over the years as most older properties do and has been quite neglected, often due to farming families growing old in the property and not able to maintain the property. The property is clearly in need of restoring urgently and is no way safe to live in and it believe this has now been recognised that the house is inhabitable. The weight of the roof has caused the walls to bow most likely due to replacement from an original thatched roof of the time to a tiled one.

As this property is grade two listed the conservation officers response to previous applications and concerns of the proposed applications is appreciated and the difficulties

are noted, however the applicants have taken on a very challenging and costly restoration project in purchasing the Hall and farm and deserve the support and help to proceed immediately to restore the building before it collapses. It is clear from works already undertaken on the barn the quality of restoration and care already put into this property and with support and guidance the same would be done to the hall. The layout on the ground floor would benefit from the extra room proposed and it is believed the applicants are willing to create this in the least harmful way and welcome guidance. Other listed properties in the local area have been allowed to add extra garden rooms in sympathetic ways creating a better space for modern day living.

Further proposals to include eco sustainable systems are now proposed to this restoration and modifications to previous planning applications to seek approval to this vulnerable historic property. These applications together restore and bring today's living standards to life preserving this property for generations to come.

The Biggin Parish meeting and residents support applications within the parish where the applicants want to retain our historic farms and buildings for future generations to enjoy and to support them in their respect and love for protecting the countryside. These buildings sit well into the landscape causing no harm to its character, only enhancing as they have for centuries and will continue to do so.

On conclusion as chair of the Biggin parish meeting on behalf of the residents support is requested to be given by planning in support of these applications being approved. Finally, the Biggin parish meeting, on behalf of residents, wishes to exercise its right to have the application heard by a full planning commission unless the DDDC are minded to approve the application as previously asked using delegated powers.

Archaeology (DCC)

- 5.2 Biggin Old Hall is Grade II listed building (Derbyshire HER MDR2746), of 18th century date sited on a much earlier predecessor, referred to as 'Halleacr' in 1415 in the Duchy of Lancaster Miscellaneous Books. Unlike works previously undertaken under application 21/01246/LBALT this proposal will affect both the setting and fabric of the Listed Building, in this regard please seek the advice of your own Buildings and Conservation officer.

By their very nature the proposals would also have a below ground impact, which due to the *antiquity of the site in general*, may impact on any below ground archaeology. This being the case archaeological works would be necessary in the form of a scalable archaeological watching brief during groundworks and landscaping and this should be secured by condition.

Conservation Officer

- 5.3 The scheme for a new 'overlay' roof is an acceptable alteration. However, it is considered that the proposed (permanent) removal of the purlins and the introduction of the large, associated, rooflight would have a negative and harmful impact on the fabric, character, appearance and significance of the historic stairwell. The proposed extension off the western gable end of the property, in its presence, scale, and mass etc., is considered to seriously compromise and distort the identified and recognised architectural and historic significance/interest of the building. It is considered that the proposal to dismantle and rebuild the porch is generally acceptable and that all replacement windows should be of painted timber and of traditional construction and detailing on a one to one basis. The additional conservation of outbuildings and associated engineering works below ground are deemed acceptable subject to conditions.

Derbyshire Wildlife Trust

- 5.4 The Trust have yet to respond to consultation, however, they reviewed the revised Ecological Impact Assessment (EclA), including an updated mitigation strategy for the 22/00980/FUL application. They stated a whiskered bat maternity roost and a brown long-eared day roost had been recorded in the loft space of Building 1 (main farmhouse) and therefore a bat licence will be required to proceed with any work to this building which affect the roof (internally or externally).

The retention of the whiskered roost between the new roof tiles and felt of Building 1, is noted and very much welcomed. It is advised that as well as access slates on the roof, some access points should be provided along the ridges, and if possible eaves, to replicate existing access points identified in the surveys.

The reference to 'breathable membrane that has officially been approved for use in bat roosts' is noted. Whilst they are aware of a new product on the market claiming to be 'bat safe', the advice from the Bat Conservation Trust is that currently the only 'bat safe' roofing membrane is bitumen 1F felt that is a non-woven short fibred construction. Tests are currently being undertaken on the new breathable 'bat safe' membrane but the results are outstanding. Given the high significance of the whiskered roost, there must be no doubt as to the safety of the new roof. The specifications would also have to be approved by Natural England as part of the licence application.

There is evidence from across the survey visits that both whiskered and brown long-eared bats use all voids/rooms on the upper floor to some extent, along with the space between the roof tiles and the lining felt. It is understood that the roof of the main house has to be entirely removed and replaced, however this does not prevent a loft/void being incorporated within the proposals to maintain the full current functionality of the building for bats. However, it is clear that the applicant wishes to utilise all the space as part of the residential dwelling and Building 2 is proposed as an alternative loft space.

At this stage, they advised the LPA that whilst retaining part of the roof space for bats would be the ideal scenario, the retention of the roosting opportunities between the tiles and the felt is likely to maintain the roost in situ and therefore maintain the favourable conservation status of whiskered bats in the local area (one of the three tests in the Habitat Regulations 2017 (as amended)). As such, there is a reasonable chance of approval by Natural England and therefore they advised that the application could be determined with appropriate conditions covering the bat mitigation and licensing, lighting, biodiversity enhancements and nesting birds.

Peak & Northern Footpaths Society

- 5.5 There is no objection in principle, however, the applicants must confirm the correct legal line of Biggin Footpath 19 with the county council rights of way officers, to ensure that none of its legal width would be affected by the proposed works. The plans indicate that it is possible that some of the width of this path might be disturbed by the ground source heat pump works, and, if this is the case, the authority of the county council would be needed, as well as possibly a temporary closure of the path.

Ramblers Derbyshire Dales Group

- 5.6 There is no objection providing that:
- i) Biggin FP 19 remains unaffected at all times, including the path surface, both during and after any development
 - ii) Consideration should be given to the safety of members of the public using the Right of Way during the proposed works
 - iii) Any encroachment of the paths from any of the heat pumps or other works

would need consultation and permission with/from the DCC Rights of Way Team

Cllr Bright

- 5.7 As ward member I would like the following application put to the planning committee 23/00336/FUL, having looked at this application it is felt that application merit on balance should outweigh the negatives in this case. The old hall is in a secluded location with limited visibility and requires restoration in order to bring this old and historic building back in to use. It is felt that any application in this instance would be best deliberate by the Derbyshire Dales Planning Committee at the next possible planning meeting.

Cllr Fitzherbert

- 5.8 This is an excellent application and treats the listed building with respect as well as bringing it, through evolution, into the 21st century for a modern use.

6.0 REPRESENTATIONS RECEIVED

- 6.1 Eight letters of support have been received and are summarised below:-

- a) The building is falling into disrepair and a sympathetic restoration is proposed.
- b) The applicant's have spent a considerable amount of time and money modifying their plans.
- c) It is clear that the Biggin Old Hall requires essential maintenance and repairs to ensure the property can once again be habitable.
- d) The proposals take account of the age, character and location of the property.
- e) The applicants are willing to make a substantial financial investment towards major structural repairs and also considered measures to ensure wildlife protection and conservation.
- f) The planning application would give a new lease of life to this historic building and prevent further decline.
- g) The aim of the proposal is making it habitable by raising head clearance in some rooms.
- h) Although the ideal planning solution might be an unchanged external appearance, the proposal would appear to present the best compromise between the ideal and the practicable.
- i) The loss of 2 short lengths of purlin to facilitate access to the 2nd floor should not compromise the structure if the trimmed portions are properly supported.
- j) It is apparent that without this work carried out soon the very existence of the building will be in grave danger. The roof structure is obviously unsound with severe wet rot to the ends of the main purlins and the gable walls are starting to fracture. On the ground floor damp has penetrated to the detriment of the plaster and brickwork.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- Principle of development
- Impact on character, appearance and significance of heritage asset
- Impact on residential amenity

Principle of development

- 7.1 The site is located within the countryside with the nearest settlement of Hlland Ward to the west. Policy S4 allows extensions to existing dwellings in accordance with HC10. 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.

- 7.2 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. Policy PD2 seeks to conserve heritage assets in a manner appropriate to their significance and requires proposals that affect a heritage asset and/or its setting to demonstrate how the proposal has taken account of design, form, scale, mass, the use of appropriate materials and detailing, siting and views away from and towards the heritage asset in order to ensure that the design is holistic, sympathetic and minimises harm to the asset. It should be noted that the two previous extension applications have been refused that were linked to the rear section of the dwelling and linked to the existing outbuilding and both included the rooflight and removal of historic purlins. These decisions are material considerations in the determination of this application. Each part of the new proposal is now assessed in turn.

New roof

- 7.3 The roof is recognised as being of important historic significance and the '*most notable of all the surviving structural elements*' (Heritage Impact Assessment). A key aim of the proposed works therefore is to preserve this roof as far as possible, as existing. The structure is largely intact and the majority of the roof timbers survive from the original time of construction. Some of the timbers have been identified as having had a previous use, most probably from an earlier building on the same site. The structural engineer has assessed the condition of the roof structure in detail and this is discussed in their submitted report. They conclude that "*we, therefore, consider that the roof timberwork is in poor condition and in its present condition and configuration, structurally inadequate to support the existing roof over the long term*". Furthermore, they state that "*strengthening this structure to ensure that it can support a new roof covering and remain serviceable over the long term will, in our opinion, require considerable intervention*". The engineer discusses various methods to strengthen the existing roof but concludes that these are "*likely to have a significant and adverse impact on the visual aesthetics of the existing structure*".
- 7.4 The proposal, therefore, that the engineer has put forward, is that the issues with the historic roof structure could be solved by taking advantage of the space provided by the high copings on the gables (east and west). An entirely new roof structure could be built over the existing within this space, relieving the existing timber roof structure of the need to provide support. This would involve the installation of new ridge beams (steel) above the existing roof and new rafters would span from this ridge to the existing eaves level. The details are depicted on the engineer's proposed roof plan and proposed roof sections.
- 7.5 Whilst the benefits and reasoning behind the proposal, as outlined above, are understood there appears to have been no assessment/consideration of the reason for the high copings to the gable end walls. If the existing roof structure is relatively original and in-tact in its location and the brick and stone gable copings have not been raised or altered at any later date then it must be assumed that the two are part of the original design and conception for the property – i.e. a building with high gable copings, in relation to its roof ridge line. However, the current roof covering is Staffordshire Blue clay tiles, and it is therefore probable, based on the architectural/archaeological evidence (subject to further investigation/analysis etc.) that when originally built the Hall most likely have had a thatched roof, with the roof angle being nearly 50 degrees. This is likely to account for the (current) high copings.
- 7.6 The primary consideration, therefore, is whether this potential, architectural, idiosyncrasy is of such significance (in possibly conveying a historic change in roofing material) that it

should remain as it currently is. It is opined that whilst the potential evidence is of interest to the history of the property the idiosyncrasy could now be taken advantage of to install a new 'overlay' roof structure over the historic roof structure (in order to preserve and safeguard and negate extensive interventions into the important historic roof structure and its detailing etc.). As designed and depicted on the submitted drawings/details the new ridge would sit immediately above the existing ridge and the eaves line and position would not be altered or extended. Based on this proposal, it is considered that the scheme for a new 'overlay' roof is an acceptable alteration (to safeguard the important historic roof structure) and is also a proposal that is reversible should the historic roof structure ever be the subject of study and/or repair. (It is noted that further investigation is required relating to the central brick stack and its capacity to accommodate/accept the new steel ridge beam ends – a condition should be imposed in this regard relating to finalised details and structural assessment).

Rooflight

- 7.7 The upper flight of the main staircase follows a similar line of the pitched roof over this part of the building. The roof structure to this part of the building is historic and important and there are two historic roof purlins (identified as 'P1' and 'P2'). The proposal is to remove the sections or lengths of these two purlins over the stairwell and install a large rooflight within the roof slope over this part of the staircase. The reason cited for this is essentially related to the amount of (current) headroom to the upper flight and that the proposals would enlarge the amount of headroom, provide additional light to the upper flight and ease access into the attic spaces.
- 7.8 The roof is recognised as being of important historic significance and the '*most notable of all the surviving structural elements*' (Heritage Impact Assessment). The above justification recognises that the removal of this section of the historic roof structure 'is likely to result in some localised harm to fabric' which would have a 'modest impact on the significance of the building'. Whilst it is acknowledged that the purlins give a restricted headroom to the upper flight the roof structure this scenario is original in its design and form and has always been like this (i.e. the relationship between the upper flight and the roof structure). In this regard, it presents (and has presented for 300 years+) an original design concept, that, notwithstanding its issues and condition, is an important element/part of the listed building. The proposed rooflight, whilst not being the full width of the stairwell, is large and in that regard is un-domestic in its size. This, therefore, is likely to introduce an anomalous and modern introduction into this historic part of the listed building to its character and appearance. It is considered that the proposed (permanent) removal of the purlins and the introduction of the large, associated, rooflight would have a negative and harmful impact on the fabric, character, appearance and significance of the historic stairwell.

Extension

- 7.9 A single-storey extension off the western gable end of the property is proposed. The proposal, as submitted, is to include a rectangular, single-storey, extension of brickwork construction and a dual pitched roof over. The north facing roof slope is to be covered in 'natural slate' and the south facing roof slope covered in 'solar voltaic tiles – artificial slate with matching border'. The extension would be in-set slightly to each side and would have a door on the south elevation, a small window on the west gable elevation and tri-partite sliding glazed doors to the north elevation (all in powder-coated aluminium). It is to serve as a Dining Room. The proposal will involve the creation/formation of a new access doorway from ground floor room G.02 into the extension.
- 7.10 The western gable end of the property comprises of an off-set brickwork plinth capped with a chamfered stone plinth course. Stone quoins to each corner and a double brick projecting horizontal string-course. Stone kneelers and a stone coped gable verge. The roof space has a small rectangular window to the upper gable end. It is possible that the upper gable end window is a later addition, but, apart from that, the western gable end of the property is as

originally designed and built. The Heritage Impact Assessment acknowledges and recognises that the *'internal and external structure does not suggest any significant phases of extension or alteration to the main house....and as such, the current house likely presents as a wholesale rebuild of any earlier dwelling should one exist'*. The Heritage Impact Assessment also recognises the original 'T' plan form and design of the property. In its existing form and layout the property (in acknowledgement of its early 18th century date) conveys a distinctive hand in its design and planning comprising of a principal rectangular block with off-set plinth and chamfered stone course, implied symmetry to the south elevation and stone and brick string-courses, stone quoins to corners and stone coped gable verges and central brick stack. Fashionable architectural awareness is depicted in the skewed stone window/door lintels and keystones to the south elevation. On the north side is the centralised, two-storey, northern projection, given architectural subservience by the use of the topography and the slightly lowered plinth and chamfered stone course, stone quoins to its corners, the lowered roof eaves line and ridge, centralised gable end chimneystack and the omission of the string-coursing to its elevations. Whilst a later small porch occupies a corner of the eastern elevation the property displays a strong holistic and unified architectural concept, narrative and design in its distinctive 'T' shaped plan-form/layout and in its external architectural treatments and detailing which is recognisable and readable as an architectural/historic entity. This is considered to be of high significant architectural and heritage value and interest to the listed building.

- 7.11 It is considered that the proposed extension off the western gable end of the property, in its presence, scale, and mass etc., would seriously compromise and distort the identified and recognised architectural and historic significance/interest of the building. It would require the loss of a significant section of historic and original brickwork in the formation of the new access doorway from room G.02. Furthermore, the formation of this new structural opening (which would require the insertion of new lintels over etc.) would require the plinth and chamfered stone course to be cut through and removed. The extension would subsume the majority of the horizontal brick string-course to the western gable end and its roof abutment would require the insertion of lead flashings into the brickwork face of the western gable end. In terms of its proposed character and appearance, the extension, whilst using matching brickwork for the walls is to have 'natural slate' for the roof and solar PV tiles (and artificial slates). This is contrary and alien to the existing use of traditional clay tiles for roof coverings and would set the extension apart from the host building. The design of the extension appears to be agricultural in character (and nominally contemporary) with its doorway on the south elevation and large (glazed) opening on the north elevation (incorporating powder-coated aluminium). It is considered that this proposed architectural narrative, and materials, would be alien and anomalous to the design and form of the host building and further diminish and erode its significance.
- 7.12 It is known from early/historical maps that the vehicular access to the property was, until the 20th century along the southern boundary of the site then a right angle turn northwards to adjacent to the western gable of the property (more, or less, following the alignment of the current public footpath). This former access has remained archaeologically extant. Whilst there is now an access to the eastern side of the property this historic layout/access has some significance in that it dictated the layout of the farmstead in the 18th and 19th centuries (and perhaps before). It is considered that whilst now part of the garden to the property this historic route way contributes to the overall significance of the history and archaeology of the site. In this regard, a proposal to build an extension to the main house over part of this particular element is considered harmful to the sites historical/archaeological interest and narrative.
- 7.13 In conclusion, it is considered that the proposed extension would be harmful to the character, appearance and significance of the listed building in terms of the proposed alterations to the elevations and architectural elements and fabric of the existing building and the physical and visual presence (and materials) of an extension in this location and context. Individually and

cumulatively the proposals would be harmful to the significance, fabric and narrative of the designated heritage asset. On this basis, the principle of the extension and its identified impacts to the significance/narrative of the listed building are deemed to be harmful.

Porch

- 7.14 The submitted Heritage Impact Assessment, in referring to the porch, states that it *abuts* the main house indicating that it is a later addition although part of it is identified as being constructed from 'early brick'. The later brickwork to the porch (and possibly its roof) are all of 20th century date. The proposal is to dismantle the existing porch and rebuild it – to a very similar footprint and roof form/shape – but with a dwarf brick wall (using the reclaimed brick) above which will be an open timber-framed construction and a mono-pitch clay tiled roof.
- 7.15 It is considered that the significance of the porch and its 'early brick' section (possibly built using reclaimed brick in the 19th century) is low in comparison to the main 'T' shaped house. It is a later addition but has been in place since the later 19th century (OS map evidence). It is considered that the proposal to dismantle and rebuild (to the design as submitted) is generally acceptable, however, the proposed timber framing part of the design should be of painted timber (as there is no external oak timber framing associated with the host building). Full construction details of the porch should be required by condition (on any approval).

Windows

- 7.16 The property has a number of window types and patterns, including an un-authorized upvc window frame to the bathroom. All of the painted timber windows are single glazed. It is proposed to '*replace all windows with flush fitting timber casements, subject to details*' and the Statement states that '*double-glazing is desirable*'. With regard to proposed window replacement there are some window frames of historic origin (19th century) and their design, form and pattern should be respected where these are located in 19th century structural openings. There are some later 20th century timber casement windows and their replacement with windows frames to an appropriate form, design and pattern is likely to be acceptable.
- 7.17 It is considered that all replacement windows should be of painted timber and of traditional construction and detailing. It will be important to recognise the differences in the date of the structural openings and there should be no proposal to 'unify' the fifteen, or so, window design/pattern across the various elevations (i.e. each opening needs to be assessed and considered on a 'window-by-window' basis). In this regard, a condition (on any approval) should require full constructional details, design and pattern on a 'window-by-window' basis.
- 7.18 With regard to the introduction of double-glazing to replacement timber window frames the Authority will consider this, however, there are a number of strict compliance criteria for that consideration – including, for example, 'thin' double-glazed units (max. 12mm thick), white spacer bars, solid/though timber glazing bars (max. on-face width of 22mm), traditionally sized timber window framing and casements and the glazing units putty pointed into the frames. No proposed construction details have been submitted, however, if, under a condition (on any approval), suitable and appropriate replacement window designs, pattern, form and construction can meet these strict criteria then double-glazing may be considered acceptable.
- 7.19 Landscaping and land drainage are also proposed which involves below ground excavation including many trench lines. The excavation of trenches within the curtilage of the listed building would require an archaeological watching brief controlled by condition. Refurbishment of the out-building to west of house (previous stable) as store and water treatment plant room is in general terms is acceptable, however, a condition, on any approval, should require full 'refurbishment' details (external and internal) of the building and details of the water treatment plant room and its associated apparatus etc. Adaption

outbuilding to east of house as suitable for bat-roost is likely to be acceptable, subject to full details of the proposed provisions for a bat roost, being approved via a condition on any approval.

7.20 In respect of the ground source heating and drinking water supply bore-holes and associated pipework, the submitted Statement cites that *"the ground source heat pumps and water supply boreholes are to be wholly contained within the ground, and associated plant inside the outbuildings, therefore, will have no detrimental impact on the character or significance of the Listed Building"*. Based on this statement this is considered acceptable, although a condition on potential archaeological input and the nature of the 'plant' within the outbuildings should be imposed.

7.21 There are a number of proposals contained within the application that will, it is considered, result in harm to the significance of the designated heritage asset. The 1990 Act directs that in considering whether to grant Planning Permission, a local planning authority shall 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". It is considered that the proposed alterations and extensions/additions to the property would not preserve the listed building, its setting or its features of special architectural or historic interest. Whilst the identified harm to the listed building may not be substantial harm, the NPPF directs that where a proposed development will lead to less than substantial harm to the significance of the designated heritage asset, that harm should be weighed against the public benefits of the proposal. The public benefit would be bringing back into use a vacant property for the benefit of the owners and its associated restoration of a heritage asset for the benefit of future generations. However, it should be noted that this building is not on the 'Heritage at Risk' register and can be brought back into use without the level of harm caused by this proposal. Associated benefits include construction employment. It is considered that the identified harm to the significance of the designated heritage asset is not outweighed by the limited public benefits (as defined by the NPPG).

7.22 NPPF paragraph 199 states that:-

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Paragraph 200 states: "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification". It is on this basis that it is considered that the less than substantial harm outweighs the public benefits and refusal is recommended.

Impact on Residential Amenity

7.23 Local Plan Policy PD1 requires development to achieve a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. The dwelling sits within an extensive plot with a converted barn within the same ownership and no neighbouring properties in the near vicinity. On this basis it is considered the proposal would not have an adverse impact on the residential amenity of neighbouring properties in accordance with Policy PD1.

7.24 An Ecological Impact Assessment was submitted with the previous application 22/00980/FUL and remains relevant to this application. Derbyshire Wildlife Trust reviewed this document and consider the proposal would maintain the favourable conservation status of whiskered bats in the local area in accordance with Policy PD3.

- 7.24 To conclude, whilst some elements of the application are deemed acceptable, the rooflight including the removal of historic purlins and the extension are not. These elements are considered harmful to the significance of the heritage asset.

8.0 RECOMMENDATION

That planning permission be Refused

REASONS:

1. The proposed extension would be harmful to the character, appearance and significance of the listed building by reason of the proposed alterations to the elevations, architectural elements and fabric of the existing building and the physical and visual presence (including materials) of an extension in this location and context. Individually and cumulatively the proposals would be harmful to the significance, fabric and narrative of the designated heritage asset. This identified harm would not be outweighed by the public benefits to be derived contrary to Policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2021).
2. The proposed rooflight would introduce an anomalous addition that would have a negative and harmful impact on the fabric, character, appearance and significance of the historic stairwell. This identified harm would not be outweighed by any public benefit contrary to Policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan and guidance contained within the National Planning Policy Framework (2021).

INFORMATIVES:

1. The Local Planning Authority considered the merits of the submitted application and shared the assessment of the application with the applicant who decided not to seek to negotiate changes. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.
2. This permission relates to the following plans and documents:-

Plan no's Location and block plan OnS676-320, Proposed block plan 08, site detail 08, Proposed elevations 08, existing elevations 07 extension details 08, Survey elevations 07, Ex Outbuildings 07, proposed GF plan 08, proposed UF and FF plans 08, Sections B-B C-C 08, Proposed site landscaping 07 and Ex site 07,
Stairwell 08
Design and Access Statement
Planning Statement March 2023

Ecological Impact Assessment dated 31st December 2021 and agent's email dated 4th January 2022

Heritage Impact Assessment March 2023

Structural Assessment Report dated 22nd August 2020

Roof timber inspection Report dated 23rd September 2021

Statement of Significance September 2020

Schedule of proposed works Part 1 and 2 dated 23rd March 2023

23/000337/LBALT

Biggin Old Hall, Biggin, Ashbourne



Derbyshire Dales DC

1:2,500

Date: 02/06/2023

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APPLICATION NUMBER		23/00337/LBALT	
SITE ADDRESS:		Biggin Old Hall, Biggin, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Proposed extension with solar roof tiles, ground source heat pumps and water supply boreholes, replacement porch, refurbishment of outbuilding and internal and external alterations and repair works	
CASE OFFICER	Sarah Arbon	APPLICANT	S and H Waterhouse
PARISH/TOWN	Biggin By Hulland	AGENT	J Probert - Oakenstone
WARD MEMBER(S)	Cllr Murphy	DETERMINATION TARGET	30th May 2023 (EOT 16 th June 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
– Impact on the character, appearance and significance of the heritage asset

RECOMMENDATION
Refusal

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located to the east of Hulland Ward with Millington Green and Biggin located to the north west. It is accessed directly from the A517 just west of Cross o'th'hands via a road also serving Toad Holes Farm with the application at the end of the access road to the north west. The linear barn to the north west of the farmhouse has recently been converted. Biggin Footpath 19 runs adjacent to the north western boundary and goes east to the rear of the barn then heads north east.
- 1.2 Biggin Old Hall, Hulland Ward is a Grade II listed building (listed 1983). The property comprises of the Hall itself, a detached linear stone barn and two detached brick outbuildings. The barn and outbuildings are all curtilage-listed to the Hall and benefit from the Grade II listing. The Hall dates from the early 18th century.



2.0 DETAILS OF THE APPLICATION

- 2.1 The application includes a number of proposed works:-

Repairs / refurbishment -

External Walls- repairs and strengthening.
Re-open previously bricked-up openings.
Collapsed area of first floor.
Ground floor slabs
Upper floors.
Upper staircase.
Internal wall finishes.
Access to built-in wardrobes
Doors and Internal Woodwork.

New / replacement -

New roof over existing retained timberwork.
Rooflight over stairs.
Extension- single storey to west gable with solar PV tiled roof.
Porch to east side entrance.
Doors and Windows.
Replace C20th fixtures, fittings and fireplaces.
Kitchen.
Ground floor Utility/WC.
First floor bathrooms.
Internal drainage.

Services- power, water, heating.

External site works -

Landscaping and land drainage.

External foul and surface water drainage replaced.

Refurbish out-building to west of house (previous stable) as store & water treatment plant room.

Adapt outbuilding to east of house as suitable for bat-roost.

Ground source heating supply bore-holes and associated pipework.

Drinking water supply bore-hole and associated pipework.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1. 1. National Planning Policy Framework (2021) - Conserving and Enhancing the Historic Environment
2. National Planning Practice Guide (2014)
3. Planning (Listed Buildings and Conservation Areas) Act 1990 Section 16
4. Historic England Advice Note 2 - Making Changes to Heritage Assets (2016)

4.0 RELEVANT PLANNING HISTORY:

20/01126/LBALT	Structural repairs and rebuilding works to detached barn	PERC	21/01/2021
20/01327/FUL	Conversion of barn to ancillary accommodation with partial rebuild and refurbishment works	PERC	14/05/2021
20/01328/LBALT	Rebuild and refurbishment works to barn in relation to conversion to ancillary accommodation/ holiday let	WDN	15/03/2021
21/00353/LBALT	Rebuild and refurbishment works to barn in association with conversion to ancillary accommodation	PERC	17/05/2021
21/00353/DCOND	Discharge of condition 2 of application 21/00353/LBALT - Rebuild and refurbishment works to barn in association with conversion to ancillary accommodation	DISFUL	24/08/2021
21/01265/FUL	Extensions and alterations	Refused	31/01/22
21/01264/LBALT	Proposed link extension to stable building, refurbishment of stable building, erection of a replacement porch and external and internal alterations to farmhouse	Refused	31/01/22
22/00980/FUL	Erection of single storey side extension, alterations and refurbishment to existing dwelling	Refused	17/10/22
22/00981/FUL	Proposed single storey side extension, replacement porch, refurbishment of	Refused	17/10/22

5.0 CONSULTATION RESPONSES

Biggin Parish Council

- 5.1 Biggin Old Hall is a grade two listed building of great architectural merit forming part of the historic hamlet of Biggin Parish, having a similar Georgian style and age to other original farmsteads in the parish. However on visiting the property last year it was clear that this farmhouse has had alterations over the years as most older properties do and has been quite neglected, often due to farming families growing old in the property and not able to maintain the property. The property is clearly in need of restoring urgently and is no way safe to live in and it believe this has now been recognised that the house is inhabitable. The weight of the roof has caused the walls to bow most likely due to replacement from an original thatched roof of the time to a tiled one.

As this property is grade two listed the conservation officers response to previous applications and concerns of the proposed applications is appreciated and the difficulties are noted, however the applicants have taken on a very challenging and costly restoration project in purchasing the Hall and farm and deserve the support and help to proceed immediately to restore the building before it collapses. It is clear from works already undertaken on the barn the quality of restoration and care already put into this property and with support and guidance the same would be done to the hall. The layout on the ground floor would benefit from the extra room proposed and it is believed the applicants are willing to create this in the least harmful way and welcome guidance. Other listed properties in the local area have been allowed to add extra garden rooms in sympathetic ways creating a better space for modern day living.

Further proposals to include eco sustainable systems are now proposed to this restoration and modifications to previous planning applications to seek approval to this vulnerable historic property. These applications together restore and bring today's living standards to life preserving this property for generations to come.

The Biggin Parish meeting and residents support applications within the parish where the applicants want to retain our historic farms and buildings for future generations to enjoy and to support them in their respect and love for protecting the countryside. These buildings sit well into the landscape causing no harm to its character, only enhancing as they have for centuries and will continue to do so.

On conclusion as chair of the Biggin parish meeting on behalf of the residents support is requested to be given by planning in support of these applications being approved. Finally, the Biggin parish meeting, on behalf of residents, wishes to exercise its right to have the application heard by a full planning commission unless the DDDC are minded to approve the application as previously asked using delegated powers.

Conservation Officer

- 5.2 The scheme for a new 'overlay' roof is an acceptable alteration. However, it is considered that the proposed (permanent) removal of the purlins and the introduction of the large, associated, rooflight would have a negative and harmful impact on the fabric, character, appearance and significance of the historic stairwell. The proposed extension off the western gable end of the property, in its presence, scale, and mass etc., is considered to seriously compromise and distort the identified and recognised architectural and historic significance/interest of the building. It is considered that the proposal to dismantle and rebuild the porch is generally acceptable and that all replacement windows should be of painted timber and of traditional construction and detailing on a one to one basis. The

additional conservation of outbuildings and associated engineering works below ground are deemed acceptable subject to conditions.

6.0 REPRESENTATIONS RECEIVED

6.1 Six letters of support have been received and are summarised below:-

- a) It would be lovely to see Old Hall Farm restored to its former warmth and glory and providing a family home for generations to come.
- b) I am pleased to read of the proposal's 'green' credentials and think it is crucial that proposals of this nature are encouraged and prioritised by the council.
- c) The property has significant history and should be preserved but it also needs to move with the times in terms of modern living and energy efficiency.
- d) I believe these plans offer a good balance between maintaining the heritage of the property whilst providing an energy efficient home.
- e) The proposed extension is not visible from their property 'Toads Holes Farm' so will in no way impact on them.
- f) The plans look like they are going to keep the historic nature of the building and pay great respect to the surrounding environment.
- g) The aim of the proposal is making it habitable by raising head clearance in some rooms.
- h) The property is clearly at risk of becoming beyond repair and the applicants should be applauded for undertaking such a project involving significant financial commitment to guarantee the future of Biggin Old Hall.
- i) Careful consideration has been taken to address environmental and ecological issues and I hope the applicants are granted permission to enable them to preserve the property as soon as possible.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

– *Impact on the character, appearance and significance of the heritage asset*

- 7.1 It should be noted that the two previous Listed Building applications have been refused that were to be attached to the rear section of the dwelling and linked to the existing outbuilding and both included the rooflight and removal of historic purlins.. Each part of the proposal is now assessed in turn.
- 7.2 The repair and strengthening of external walls includes the installation of structural strengthening (helical bars), repairs to stonework/brickwork & re-pointing. The proposed helical bars (6mm diameter s/s rods) are to be set into the (raked out) horizontal mortar joints (every third course) and then pointed up. The areas on the elevations proposed for the bars are depicted on the engineer's drawings. This is considered to be acceptable. 'Cemtie' s/s rods (10mm diameter x 800mm long) are proposed at the corners of the building to '*pin quoins to brickwork*'. It is unclear if the installation of these rods involves drilling a hole in the face of the stone quoins. If this is the case then, whilst it is acknowledged that the holes can be made good with lime mortar, a large number of the original stone quoins would have to be drilled. This is considered to be an invasive and potentially harmful intervention. In this regard, it should be explored as to whether such restraints can be installed internally. Repairs (or replacement) of decayed stonework and brickwork, subject to being undertaken on a strictly like-for-like basis (in terms of stone type/colour/grain/origin and brickwork type, size and texture etc.) such works are acceptable (subject to conditions on approval of samples). With regard to re-pointing this should only be undertaken to areas where necessary and should be subject to approval (via a condition) of the proposed lime mortar mix and a sample panel of re-pointing.

- 7.3 There is architectural/archaeological evidence for a (now blocked) internal doorway between G.01 & G.03. Based on this evidence it's re-opening is an acceptable alteration, however, a condition relating to the proposed new timber door/doorframe would be required. There is architectural/archaeological evidence for a blocked window opening in the northern wall of room G.02. This is square in shape and was formed (at an unknown date) above the chamfered plinth and below the brick string course. (It may have been blocked up when this corner was infilled in the 19th century with a lean-to outbuilding). A proposal to unblock this historic window opening and insert an appropriate design and pattern of window frame would be deemed acceptable (subject to constructional detailing/glazing etc. via condition).
- 7.4 The floor structure to room F.02 has sunk affecting the headroom at the western end of room G.02 (below). In the recent past the end of the original spine beam has been propped with a timber post against the western wall. It is proposed to '*raise & strengthen*' this floor. This would involve the removal of the existing concrete/limeash to room F.02 to expose the floor structure. The proposed methodology for the raising of the beam etc. and its strengthening (new steel 'shoe') are depicted on submitted drawings. The modern supporting post would then be removed. Whilst this work is relatively invasive, it retains the historic fabric and it is considered that the proposed work is an acceptable alteration to this part of the internal structure.
- 7.5 The ground floor slabs are coated in bitumen. Trial pits have been undertaken to assess their make-up. Both rooms G.01 & G.02 have historic quarry tiles. It is proposed to lift all of the ground floor slabs (and salvage the tiles for re-use). It is then intended to replace the floors with proprietary (insulating) screed and introduce underfloor heating. The proposals are considered to be acceptable, however, it is assumed that the existing flooring under the main timber staircase would *not* be lifted etc. as this would, potentially, affect and detrimentally disturb the historic joinery, structure and construction of the lower part of the staircase and its associated walls/partitioning. A condition in this regard should be imposed on any approval.
- 7.6 The upper floors are mainly limeash, some of which is original. It is proposed to repair the existing limeash floors (by a specialist contractor, based on an analysis of the existing limeash matrix/mix). This is considered to be acceptable, however, a condition (on any approval) should be imposed requiring floor plans identifying the areas of the existing limeash flooring which is to be repaired and the proposed methodology on a room-by-room basis.
- 7.7 The proposed works to this historic timber upper staircase are as follows – the timberwork is to be repaired (from below) which will require the removal of the current 'ceiling' (and its re-installment), blocks & wedges are to be used to stabilise it using traditional carpentry techniques, the condition of the treads (under previous over-boarding) are to be assessed and the over-boarding removed if possible. This is considered to be acceptable, however, a condition (on any approval) should be imposed requiring a detailed schedule of works/methodology and specification (with annotated drawings – plans and sections) for the proposed staircase repair works.
- 7.8 The current lime plaster to all of the internal walls (solid walls & partitions) is in a varying state of condition. On the ground floor, in certain areas, a cement render/plaster has been used. Partition walls are to be repaired on a like-for-like basis using lime plaster. The inside face of all external walls are to be re-covered in an insulation/breathable system suitable for historic walls. Based on this proposal it appears that all of the existing wall plaster (to external walls) is to be removed back to the brickwork substrate. This is an extensive and potentially invasive proposal, however, where the wall plaster has/is failing its removal and replacement is considered acceptable. However, there should be a presumption in favour of retaining any, sound, existing/historic wall plaster throughout the building's interior. This should be required as a condition on any approval.

7.9 Between rooms F.01 & F.02 (utilising the thickness of the central stack) there appears to have been two small rooms (the larger of which, to F.01, originally had an open window, now blocked). The proposal is to form new doors to access these small rooms to act a wardrobes/dressing room etc. This is considered to be acceptable, however, a condition (on any approval) should be imposed requiring full constructional details of the new doors/architraves etc. (It is not proposed to un-block the window to F.03). The property contains a number of different historic doors. It is proposed to assess the condition of *each* door/doorframe etc. and carry out repairs as necessary. A condition (on any approval) should be imposed requiring a detailed schedule/specification of repair works on a 'door-by-door' basis. If any doors require replacement (for justifiable reasons) then a condition (on any approval) should be imposed requiring details of the new doors/architraves etc.

New roof

7.10 The roof is recognised as being of important historic significance and the '*most notable of all the surviving structural elements*' (Heritage Impact Assessment). A key aim of the proposed works therefore is to preserve this roof as far as possible, as existing. The structure is largely intact and the majority of the roof timbers survive from the original time of construction. Some of the timbers have been identified as having had a previous use, most probably from an earlier building on the same site. The structural engineer has assessed the condition of the roof structure in detail and this is discussed in their submitted report. They conclude that "*we, therefore, consider that the roof timberwork is in poor condition and in its present condition and configuration, structurally inadequate to support the existing roof over the long term*". Furthermore, they state that "*strengthening this structure to ensure that it can support a new roof covering and remain serviceable over the long term will, in our opinion, require considerable intervention*". The engineer discusses various methods to strengthen the existing roof but concludes that these are "*likely to have a significant and adverse impact on the visual aesthetics of the existing structure*".

7.11 The proposal, therefore, that the engineer has put forward, is that the issues with the historic roof structure could be solved by taking advantage of the space provided by the high copings on the gables (east and west). An entirely new roof structure could be built *over* the existing within this space, relieving the existing timber roof structure of the need to provide support. This would involve the installation of new ridge beams (steel) above the existing roof and new rafters would span from this ridge to the existing eaves level. The details are depicted on the engineer's proposed roof plan and proposed roof sections.

7.12 Whilst the benefits and reasoning behind the proposal, as outlined above, are understood there appears to have been no assessment/consideration of the reason for the high copings to the gable end walls. If the existing roof structure is relatively original and in-tact in its location and the brick and stone gable copings have not been raised or altered at any later date then it must be assumed that the two are part of the original design and conception for the property – i.e. a building with high gable copings, in relation to its roof ridge line. However, the current roof covering is Staffordshire Blue clay tiles, and it is therefore probable, based on the architectural/archaeological evidence (subject to further investigation/analysis etc.) that when originally built the Hall most likely have had a thatched roof, with the roof angle being nearly 50 degrees. This is likely to account for the (current) high copings.

7.13 The primary consideration, therefore, is whether this potential, architectural, idiosyncrasy is of such significance (in possibly conveying a historic change in roofing material) that it should remain as it currently is. It is opined that whilst the potential evidence is of interest to the history of the property the idiosyncrasy could now be taken advantage of to install a new 'overlay' roof structure over the historic roof structure (in order to preserve and safeguard and negate extensive interventions into the important historic roof structure and its detailing

etc.). As designed and depicted on the submitted drawings/details the new ridge would sit immediately above the existing ridge and the eaves line and position would not be altered or extended. Based on this proposal, it is considered that the scheme for a new 'overlay' roof is an acceptable alteration (to safeguard the important historic roof structure) and is also a proposal that is reversible should the historic roof structure ever be the subject of study and/or repair. (It is noted that further investigation is required relating to the central brick stack and its capacity to accommodate/accept the new steel ridge beam ends – a condition should be imposed in this regard relating to finalised details and structural assessment).

Rooflight

- 7.14 The upper flight of the main staircase follows a similar line of the pitched roof over this part of the building. The roof structure to this part of the building is historic and important and there are two historic roof purlins (identified as 'P1' and 'P2'). The proposal is to remove the sections or lengths of these two purlins over the stairwell and install a large rooflight within the roof slope over this part of the staircase. The reason cited for this is essentially related to the amount of (current) headroom to the upper flight and that the proposals would enlarge the amount of headroom, provide additional light to the upper flight and ease access into the attic spaces.
- 7.15 The roof is recognised as being of important historic significance and the '*most notable of all the surviving structural elements*' (Heritage Impact Assessment). The above justification recognises that the removal of this section of the historic roof structure 'is likely to result in some localised harm to fabric' which would have a 'modest impact on the significance of the building'. Whilst it is acknowledged that the purlins give a restricted headroom to the upper flight the roof structure this scenario is original in its design and form and has always been like this (i.e. the relationship between the upper flight and the roof structure). In this regard, it presents (and has presented for 300 years+) an original design concept, that, notwithstanding its issues and condition, is an important element/part of the listed building. The proposed rooflight, whilst not being the full width of the stairwell, is large and in that regard is un-domestic in its size. This, therefore, is likely to introduce an anomalous and modern introduction into this historic part of the listed building to its character and appearance. It is considered that the proposed (permanent) removal of the purlins and the introduction of the large, associated, rooflight would have a negative and harmful impact on the fabric, character, appearance and significance of the historic stairwell.

Extension

- 7.16 A single-storey extension off the western gable end of the property is proposed. The proposal, as submitted, is to include a rectangular, single-storey, extension of brickwork construction and a dual pitched roof over. The north facing roof slope is to be covered in 'natural slate' and the south facing roof slope covered in 'solar voltaic tiles – artificial slate with matching border'. The extension would be in-set slightly to each side and would have a door on the south elevation, a small window on the west gable elevation and tri-partite sliding glazed doors to the north elevation (all in powder-coated aluminium). It is to serve as a Dining Room. The proposal will involve the creation/formation of a new access doorway from ground floor room G.02 into the extension.
- 7.17 The western gable end of the property comprises of an off-set brickwork plinth capped with a chamfered stone plinth course. Stone quoins to each corner and a double brick projecting horizontal string-course. Stone kneelers and a stone coped gable verge. The roof space has a small rectangular window to the upper gable end. It is possible that the upper gable end window is a later addition, but, apart from that the western gable end of the property is as originally designed and built. The Heritage Impact Assessment acknowledges and recognises that the '*internal and external structure does not suggest any significant phases of extension or alteration to the main house....and as such, the current house likely presents as a wholesale rebuild of any earlier dwelling should one exist*'. The Heritage Impact

Assessment also recognises the original 'T' plan form and design of the property. In its existing form and layout the property (in acknowledgement of its early 18th century date) conveys a distinctive hand in its design and planning comprising of a principal rectangular block with off-set plinth and chamfered stone course, implied symmetry to the south elevation and stone and brick string-courses, stone quoins to corners and stone coped gable verges and central brick stack. Fashionable architectural awareness is depicted in the skewed stone window/door lintels and keystones to the south elevation. On the north side is the centralised, two-storey, northern projection, given architectural subservience by the use of the topography and the slightly lowered plinth and chamfered stone course, stone quoins to its corners, the lowered roof eaves line and ridge, centralised gable end chimneystack and the omission of the string-coursing to its elevations. Whilst a later small porch occupies a corner of the eastern elevation the property displays a strong holistic and unified architectural concept, narrative and design in its distinctive 'T' shaped plan-form/layout and in its external architectural treatments and detailing which is recognisable and readable as an architectural/historic entity. This is considered to be of high significant architectural and heritage value and interest to the listed building.

- 7.18 It is considered that the proposed extension off the western gable end of the property, in its presence, scale, and mass etc., would seriously compromise and distort the identified and recognised architectural and historic significance/interest of the building. It would require the loss of a significant section of historic and original brickwork in the formation of the new access doorway from room G.02. Furthermore, the formation of this new structural opening (which would require the insertion of new lintels over etc.) would require the plinth and chamfered stone course to be cut through and removed. The extension would subsume the majority of the horizontal brick string-course to the western gable end and its roof abutment would require the insertion of lead flashings into the brickwork face of the western gable end. In terms of its proposed character and appearance, the extension, whilst using matching brickwork for the walls is to have 'natural slate' for the roof and solar PV tiles (and artificial slates). This is contrary and alien to the existing use of traditional clay tiles for roof coverings and would set the extension apart from the host building. The design of the extension appears to be agricultural in character (and nominally contemporary) with its doorway on the south elevation and large (glazed) opening on the north elevation (incorporating powder-coated aluminium). It is considered that this proposed architectural narrative, and materials, would be alien and anomalous to the design and form of the host building and further diminish and erode its significance.
- 7.19 It is known from early/historical maps that the vehicular access to the property was, until the 20th century along the southern boundary of the site then a right angle turn northwards to adjacent to the western gable of the property (more, or less, following the alignment of the current public footpath). This former access has remained archaeologically extant. Whilst there is now an access to the eastern side of the property this historic layout/access has some significance in that it dictated the layout of the farmstead in the 18th and 19th centuries (and perhaps before). It is considered that whilst now part of the garden to the property this historic route way contributes to the overall significance of the history and archaeology of the site. In this regard, a proposal to build an extension to the main house over part of this particular element is considered harmful to the sites historical/archaeological interest and narrative.
- 7.20 In conclusion, it is considered that the proposed extension would be harmful to the character, appearance and significance of the listed building in terms of the proposed alterations to the elevations and architectural elements and fabric of the existing building and the physical and visual presence (and materials) of an extension in this location and context. Individually and cumulatively the proposals would be harmful to the significance, fabric and narrative of the designated heritage asset. On this basis, the principle of the extension and its identified impacts to the significance/narrative of the listed building are deemed to be harmful.

Porch

- 7.21 The submitted Heritage Impact Assessment, in referring to the porch, states that it *abuts* the main house indicating that it is a later addition although part of it is identified as being constructed from ‘*early brick*’. The later brickwork to the porch (and possibly its roof) are all of 20th century date. The proposal is to dismantle the existing porch and rebuild it – to a very similar footprint and roof form/shape – but with a dwarf brick wall (using the reclaimed brick) above which will be an open timber-framed construction and a mono-pitch clay tiled roof.
- 7.22 It is considered that the significance of the porch and its ‘early brick’ section (possibly built using reclaimed brick in the 19th century) is low in comparison to the main ‘T’ shaped house. It is a later addition but has been in place since the later 19th century (OS map evidence). It is considered that the proposal to dismantle and rebuild (to the design as submitted) is generally acceptable, however, the proposed timber framing part of the design should be of painted timber (as there is no external oak timber framing associated with the host building). Full construction details of the porch should be required by condition (on any approval).

Windows

- 7.23 The property has a number of window types and patterns, including an un-authorized upvc window frame to the bathroom. All of the painted timber windows are single glazed. It is proposed to ‘*replace all windows with flush fitting timber casements, subject to details*’ and the Statement states that ‘*double-glazing is desirable*’. With regard to proposed window replacement there are some window frames of historic origin (19th century) and their design, form and pattern should be respected where these are located in 19th century structural openings. There are some later 20th century timber casement windows and their replacement with windows frames to an appropriate form, design and pattern is likely to be acceptable.
- 7.24 It is considered that all replacement windows should be of painted timber and of traditional construction and detailing. It will be important to recognise the differences in the date of the structural openings and there should be no proposal to ‘unify’ the fifteen, or so, window design/pattern across the various elevations (i.e. each opening needs to be assessed and considered on a ‘window-by-window’ basis). In this regard, a condition (on any approval) should require full constructional details, design and pattern on a ‘window-by-window’ basis.
- 7.25 With regard to the introduction of double-glazing to replacement timber window frames the Authority will consider this, however, there are a number of strict compliance criteria for that consideration – including, for example, ‘thin’ double-glazed units (max. 12mm thick), white spacer bars, solid/though timber glazing bars (max. on-face width of 22mm), traditionally sized timber window framing and casements and the glazing units putty pointed into the frames. No proposed construction details have been submitted, however, if, under a condition (on any approval), suitable and appropriate replacement window designs, pattern, form and construction can meet these strict criteria then double-glazing may be considered acceptable.
- 7.26 There are two back-to-back fireplaces in rooms G.01 & G.02. Both of these have had 1960s/70s ‘fireplaces’ built within them. The proposal is to remove these two modern ‘fireplaces’ and install solid fuel stoves and hearths and new flue linings. Whilst the proposed removal of the modern fireplaces is acceptable a condition will need to be imposed, on any approval, requiring a sequential unblocking and un-covering methodology of what may survive behind the modern fireplaces and which can be repaired and displayed etc. As important and primary elements of the ground floor rooms and of the listed building as a whole, it would be expected that such investigation, assessment, analysis and interpretation will require the services (and report/proposals) of a professional buildings archaeologist. Full details of the repairs to what is discovered, or for any new, proposed, works will be required

via the condition. It should be noted that no conjectural new work will be permitted (all works must be based on sound and compelling archaeological evidence).

- 7.27 It is proposed that room G.02 becomes the new kitchen. Whilst this use of the former parlour may be acceptable for such a use the installation of the necessary services (including holes in walls etc. for services/pipework etc.) may have undesirable and harmful impact(s). Full details etc. would, therefore, be required via a condition on any approval. The removal of modern partitioning in the 'old' kitchen (G.03/05) has revealed the original inglenook fireplace with massive oak beam over and (archaeological) remnants of the former fireplace and range etc. It is stated that this is to be 'restored' (and a new solid fuel stove and hearth and flue lining etc.). A condition will need to be imposed, on any approval, requiring an assessment/analysis of what has been discovered and its proposed repair and display etc. As an important and primary element of the listed building as a whole, it would be expected that such investigation, assessment, analysis and interpretation would require the services (and report/proposals) of a professional buildings archaeologist. Full details of the repairs to what has been discovered, or for any new, proposed, works would be required via the condition. It should be noted that no conjectural new work would be permitted (all works must be based on sound and compelling archaeological evidence).
- 7.28 It is proposed to install a new divisional partition within room G.04 to create a utility room and small w/c. It is considered that, subject to detailing, abutment details and proposed pipework/drainage etc. that the insertion of a new partition and door to form a w/c is acceptable. It is proposed to re-configure rooms F.05 & F.06. The removal of modern partitions is considered to be acceptable and the intended new layout is depicted on the proposed plans. In general terms this re-configuration is considered to be acceptable. Subject to detailing (via a condition on any approval) the internal drainage, power water and heating proposals are considered to be acceptable.
- 7.29 Landscaping and land drainage proposals are depicted on the submitted drawings. In terms of below ground excavation this includes many trench lines etc. It would be expected that the excavation of trenches within the curtilage of the listed building would, potentially, require an archaeological watching brief.
- 7.30 Refurbishment of the out-building to west of house (previous stable) as store and water treatment plant room may be acceptable. A condition, on any approval, should require full 'refurbishment' details (external and internal) of the building and details of the water treatment plant room and its associated apparatus etc. Adapting the outbuilding to east of house as suitable for a bat-roost this is likely to be acceptable, subject to full details of the proposed provisions for a bat roost, being approved via a condition on any approval.
- 7.31 In respect of the ground source heating and drinking water supply bore-holes and associated pipework, the submitted Statement cites that "*the ground source heat pumps and water supply boreholes are to be wholly contained within the ground, and associated plant inside the outbuildings, therefore, will have no detrimental impact on the character or significance of the Listed Building*". Based on this statement this is considered acceptable, although a condition on potential archaeological input and the nature of the 'plant' within the outbuildings should be imposed.
- 7.32 There are a number of proposals contained within the application that will, it is considered, result in harm to the significance of the designated heritage asset. The 1990 Act directs that in considering whether to grant Planning Permission, a local planning authority shall 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". It is considered that the proposed alterations and extensions/additions to the property would not preserve the listed building, its setting or its features of special architectural or historic interest. Whilst the

identified harm to the listed building may not be substantial harm, the NPPF directs that where a proposed development will lead to less than substantial harm to the significance of the designated heritage asset, that harm should be weighed against the public benefits of the proposal. The public benefit would be bringing back into use a vacant property for the benefit of the owners and its associated restoration of a heritage asset for the benefit of future generations. However, it should be noted that this building is not on the 'Heritage at Risk' register. Associated benefits include construction employment. It is considered that the identified harm to the significance of the designated heritage asset is not outweighed by the limited public benefits (as defined by the NPPG).

7.22 NPPF paragraph 199 states that:-

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Paragraph 200 states: "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification". It is on this basis that is considered that the harm outweighs the public benefits and refusal is recommended.

7.24 To conclude, whilst some elements of the application are deemed acceptable, the rooflight including the removal of historic purlins and the extension are not. These elements are considered harmful to the significance of the heritage asset.

8.0 RECOMMENDATION

That planning permission be Refused

REASONS:

1. The proposed extension would be harmful to the character, appearance and significance of the listed building by reason of the proposed alterations to the elevations, architectural elements and fabric of the existing building and the physical and visual presence (including materials) of an extension in this location and context. Individually and cumulatively the proposals would be harmful to the significance, fabric and narrative of the designated heritage asset. This identified harm would not be outweighed by the public benefits to be derived contrary to guidance contained within the National Planning Policy Framework (2021).
2. The proposed rooflight would introduce an anomalous addition that would have a negative and harmful impact on the fabric, character, appearance and significance of the historic stairwell. This identified harm would not be outweighed by the public benefits to be derived contrary to guidance contained within the National Planning Policy Framework (2021).

INFORMATIVES:

1. The Local Planning Authority considered the merits of the submitted application and shared the assessment of the application with the applicant who decided not to seek to negotiate changes. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. This permission relates to the following plans and documents:-

Plan no's Location and block plan OnS676-320, Proposed block plan 08, site detail 08, Proposed elevations 08, existing elevations 07 extension details 08, Survey elevations 07, Ex Outbuildings 07, proposed GF plan 08, proposed UF and FF plans 08, Sections B-B C-C 08, Proposed site landscaping 07 and Ex site 07,
Stairwell 08
Design and Access Statement
Planning Statement March 2023

Ecological Impact Assessment dated 31st December 2021 and agent's email dated 4th January 2022

Heritage Impact Assessment March 2023

Structural Assessment Report dated 22nd August 2020

Roof timber inspection Report dated 23rd September 2021

Statement of Significance September 2020

Schedule of proposed works Part 1 and 2 dated 23rd March 2023

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NOT CONFIDENTIAL - For public release

PLANNING COMMITTEE – 13th June 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
21/01099/FUL	Land off Ashbourne Road, Brassington	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
22/00008/OUT	Land off Biggin View, Hulland Ward	WR	Appeal being processed
22/01243/FUL	Hilltop Barn, Derby Road, Ashbourne	HH	Appeal Allowed – copy of appeal decision attached
22/01085/FUL	Brackendale, Ashbourne Road, Brassington	HH	Appeal being processed
ENF/2021/00044	Darley Moor Motor Cycle Road Racing Club Ltd, Darley Moor Sports Centre, Darley Moor, Ashbourne	WR	Appeal being processed
22/01020/FUL	The Walsage, Roston, Ashbourne	WR	Appeal Dismissed – copy of appeal decision attached
22/01159/CLPUD	Meadow View, The Row, Main Street, Hollington	WR	Appeal being processed
ENF/22/00119	Tythe Barn Close, Hob Lane, Kirk Ireton	WR	Appeal being processed
Central			

21/00927/FUL	43 St Johns Street, Wirksworth	HH	Appeal being processed
22/01133/FUL	2 Ashtree Close, Matlock	HH	Appeal Dismissed – copy of appeal decision attached
22/00772/OUT	Land opposite The Homestead, Whitworth Road, Darley Dale	WR	Appeal being processed
22/00648/VCOND	21 Imperial Road, Matlock	WR	Appeal Dismissed – copy of appeal decision attached
ENF/21/00127 (1)	The Racecourse Ashleyhay, Wirksworth, Matlock	WR	Appeal being processed
22/01082/OUT	Land to the east of Wheatley Road, Two Dales	WR	Appeal being processed
ENF/21/00127 (2)	The Racecourse Ashleyhay, Wirksworth, Matlock	WR	Appeal being processed
22/01038/FUL	7 Crown Square, Matlock	WR	Appeal being processed
22/01237/FUL	Wood End, West End, Wirksworth	HH	Appeal being processed
22/00678/FUL	Scarthin Books of Cromford, Scarthin, Cromford	WR	Appeal being processed

WR - Written Representations

IH - Informal Hearing

PI – Public Inquiry

LI - Local Inquiry

HH - Householder

OFFICER RECOMMENDATION:

That the report be noted.



Appeal Decision

Site visit made on 3 May 2023

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/P1045/W/22/3313129

21 Imperial Road, Matlock, Derbyshire DE4 3NL

- 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 a condition subject to which a previous planning permission was granted.
 - The appeal is made by Ms Frances Barnard against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00648/VCOND, dated 27 May 2022, was refused by notice dated 25 July 2022.
 - The application sought planning permission for side and rear extension without complying with a condition attached to planning permission Ref 16/00835/FUL, dated 12 January 2017.
 - The condition in dispute is No 1 which states that: *Within 21 days of this Decision Notice, full details of the height, design and positioning of the boundary fence to be erected on the western boundary, shall be submitted to and approved in writing by the Local Planning Authority. The fence shall then be erected in accordance with the approved details, prior to the occupation of the dwellinghouse and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.*
 - The reason given for the condition is: *To protect neighbouring amenity in accordance with Policy H2 of the Adopted Derbyshire Dales Local Plan (2005).*
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission has been granted for an extension to the appeal dwelling subject to a condition relating to boundary treatment. Although the reason given for the condition does not specifically identify a property, it is clear from the Officer's Report¹ that it was imposed to protect the living conditions of the occupiers of the neighbouring property to the west, 10 Woolley Road. The appellant is seeking to remove this condition.
3. The main issue is whether the condition is reasonable or necessary in the interests of the living conditions of the neighbouring occupiers at 10 Woolley Road with particular regard to privacy.

Reasons

4. The appeal property is a detached bungalow which is situated on the western side of Imperial Road. The surrounding area is predominantly residential and features varying land levels. To the rear of the appeal site is 10 Woolley Road,

¹ LPA Ref: 16/00835/FUL

- which is situated at a lower level and orientated in a different direction to the appeal property.
5. The extension to the appeal dwelling and the raised platform are set away from the western boundary of the appeal site, and only extend across part of the length of the garden. Although views from within the extension towards the neighbouring property at No. 10 would be limited due to the acute angle between them, the raised platform would be closer to this neighbouring property. Given the proximity and the elevated position of the appeal dwelling's platform area, compared to this neighbouring property, the boundary fence along the western edge of the appeal site is necessary to prevent views down to No. 10's garden area.
 6. The appellant considers that this boundary treatment no longer serves a useful purpose and reference is made to a boundary fence and planting by the neighbouring property at No. 10. However, the fence at the neighbouring property has been erected at a lower level than the platform area at the appeal property. Furthermore, the intermittent spacing of the planting does not provide a continuous screen along the boundary between these two properties. As such, the removal of the boundary treatment secured by the disputed condition would result in unacceptable overlooking and I consider the condition to still be reasonable and necessary.
 7. Reference has been made by the appellant to the pre-existing land levels between the appeal site and this neighbouring property. I note prior to the appeal development that there would have been views of the neighbouring garden at No. 10 from the appeal site. From the evidence before me, and my site observations of the close relationship between the two garden areas, the raising of part of the appeal property's rear garden in the approved development, above the level that previously existed, has significantly increased the potential for overlooking.
 8. I therefore conclude that the disputed condition is reasonable and necessary in the interests of protecting the living conditions of the occupants of 10 Woolley Road with particular regard to privacy. The removal of the condition would result in a conflict with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) (Local Plan), which seeks, amongst other matters, for development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of overlooking. The decision notice makes reference to Policy HC10 of the Local Plan, but this is not relevant to living condition matters. The removal of the condition would also be contrary to Paragraph 130 of the National Planning Policy Framework, which seeks a high standard of amenity for existing and future users.

Other Matters

9. I note the personal observations made by the appellant, but I can confirm that I have dealt with this appeal based on the planning merits of the case. I have taken account of all other matters raised, including the appellant retaining an access to the original ground level of the rear garden to enable maintenance of the approved boundary treatment, but this would not alter my conclusion in relation to the main issue.

Conclusion

10. For the reasons given above, I conclude the appeal should be dismissed.

F Rafiq

INSPECTOR

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Appeal Decision

Site visit made on 14 March 2023

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/P1045/D/22/3313584

2 Ashtree Close, Matlock, Derbyshire, DE4 3SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Clifford against the decision of Derbyshire Dales District Council.
 - The application Ref 22/01133/FUL, dated 30 September 2022, was refused by notice dated 25 November 2022.
 - The development proposed is a dormer loft conversion.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed development set out above is taken from the application form. The Council's description on its decision notice is slightly more detailed in referring to "installation of five dormer windows – two on the front and three on the back."

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property is a two storey detached dwelling located in a prominent position towards the end of a cul-de-sac. The dwelling is set close to the pavement behind a rail fence and narrow area of planting and has a driveway and garage to the side and garden to the rear.
 5. The appeal property is located on a modern housing estate, characterised in this area by the presence of largely detached two storey dwellings with small frontages to the street, separate garages at the end of short driveways and small gardens to the rear.
 6. During my site visit, I observed the housing estate to be relatively densely developed, such that the front elevations of dwellings appear prominently. I also noted that the common use of materials and limited range of house-types results in a very strong sense of uniformity.
-

7. Further to the above, I noted during my site visit that, in the area around the appeal property, the roofscape appears very simple – with no incursions into the roof line from dormer windows. This adds significantly to the area’s sense of uniformity.
8. The proposed development would introduce dormer windows to the front and rear slopes of the appeal property’s roof. The two proposed dormers to the front would appear out of character with the dwelling’s surroundings and would severely disrupt the area’s identified sense of uniformity.
9. The harm arising from this would be exacerbated as a result of the prominent position of the dwelling, towards the end of a cul-de-sac, whereby the incongruous appearance of the proposed front dormers would be widely visible in their surroundings.
10. Further to the above, I find that the introduction of three dormers to the rear of the dwelling would result in the roof of the dwelling appearing unduly cluttered. This would appear in stark contrast to the simple, unbroken form of the roofscape in this area.
11. Taking all of the above into account, I find that the development would harm the character and appearance of the area, contrary to the National Planning Policy Framework and to Local Plan¹ Policies PD1, PD2 and HC10, which together amongst other things, seek to protect local character.

Other Matters

12. The Council’s officer’s report refers to harm to the setting of an unlisted but historic farmstead. However, the presence of a large, prominent, modern and densely developed housing estate to two sides of the farmstead already has a significant impact on its setting. The addition of dormers to one of the dwellings on the estate would not result in such additional harm to the setting of this historic farmstead as to, in itself, be so significant as justify dismissal of this appeal.
13. However, I have found above that the proposal would result in significant harm the character and appearance of the area and hence the decision below.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

¹ Reference: Derbyshire Dales Local Plan (2017).



Appeal Decision

Site visit made on 14 March 2023

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/P1045/D/22/3313986 Hill Top Barn, Derby Road, Ashbourne, DE6 1LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Roger Tilley against the decision of Derbyshire Dales District Council.
 - The application Ref 22/01243/FUL, dated 7 November 2022, was refused by notice dated 23 December 2022.
 - The development proposed is a single storey rear extension forming new entrance and WC.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension forming new entrance and WC at Hill Top Barn, Derby Road, Ashbourne, DE6 1LZ in accordance with the terms of the application Ref 22/01243/FUL, dated 7 November 2022 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 22271-2A.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a single storey barn conversion with a large rear garden. It is reached via a row of modern housing, which itself is accessed from Derby Road, a busy road.
 4. The appeal property is located in a mixed use area. Land around the dwelling has recently been developed by modern housing, comprising a mix of housing types, including predominantly detached dwellings. On the opposite side of
-

Derby Road from the access to the entrance road to the appeal property is a very large commercial/employment area.

5. Consequently, whilst the appeal property itself forms one of a small development of converted farm buildings around a courtyard, the surrounding area has a significantly built-up and urban character.
6. The proposal is for a very small rear extension, effectively forming a rear entrance and a toilet for the dwelling. Whilst the converted barn has no projections to the rear, the proposal would not be visible from any public location and would appear as a small and simple addition which would add visual interest within a large private rear garden area.
7. The proposal would be constructed of materials to match the existing building and would appear as a simple, minor addition that would not jar with the host property but would represent ongoing changes to a building converted from its original use. Visual changes resulting from the proposal would be largely imperceptible within the surrounding area.
8. In this case, no significant harm would arise to local character as a result of the proposal, which would provide useful additional space in a discrete manner to the rear of the appeal dwelling.
9. The proposed development would not harm the character and appearance of the area and would not be contrary to the National Planning Policy Framework, to Local Plan¹ Policies PD1, HC8 or HC10, which together amongst other things, seek to protect local character.

Conditions

10. I have considered the conditions suggested by the Council against the tests set out in Paragraph 56 of the Framework. A condition specifying the approved plan is necessary for the avoidance of doubt and in the interests of proper planning.
11. A condition controlling external surfaces is necessary in the interests of local character.

Other Matters

12. In refusing the proposal the subject of this appeal, the Council referred to guidance in its Conversion of Farm Buildings Supplementary Planning Document (SPD) (2019). This provides helpful guidance in respect of protecting the historic appearance of farm buildings. However, guidance is simply that and by slavishly adhering to its SPD in this case, the Council's approach did not appear to recognise important contextual matters.
13. Recent development has surrounded the appeal property to the extent that its setting has, to some considerable degree, been "swamped" by modern development. The appeal site appears largely surrounded by new housing within a wider area of more housing and major commercial development.

¹ Reference: Derbyshire Dales Local Plan (2017).

14. The proposed development is very small scale and would extend a building that is neither listed nor recognised as a non-designated heritage asset. Further, the proposal would be largely imperceptible within its very private setting.

15. The proposal would provide useful additional space and would not result in any significant harm to local character and hence the decision below.

Conclusion

16. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

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Appeal Decision

Site visit made on 3 May 2023

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/P1045/W/22/3313934

The Walsage, Mill Lane, Roston, Derbyshire DE6 2EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs Davis against the decision of Derbyshire Dales District Council.
 - The application Ref 22/01020/FUL, dated 31 August 2022, was approved on 7 November 2022 and planning permission was granted subject to conditions.
 - The development permitted is the construction of a riding arena with associated fencing and floodlights.
 - The condition in dispute is No 3 which states that: *Prior to the erection of any floodlights, a scheme for the minimisation of the effect of light glare on nearby properties 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 maintained throughout the lifetime of the development hereby approved.*
 - The reason given for the condition is: *To protect the amenity of neighbouring properties in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan.*
-

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted for a riding arena with associated fencing and floodlights which included a condition requiring a scheme for the minimisation of the effects of floodlights to be submitted and agreed with the Council. The reason given for the condition is to protect the amenity of neighbouring properties. The appellant does not consider the condition should have been imposed with reference to various factors.
3. Taking the above background into account, the main issue is whether the condition is reasonable or necessary in the interests of the living conditions of neighbouring occupiers.

Reasons

4. The planning permission subject of this appeal included the provision of floodlights. The imposition of the disputed planning condition does not prevent the installation of floodlights, but rather requires details to be first submitted and agreed with the Council as Local Planning Authority.
5. Some details of the lighting scheme have already been submitted. However, they do not show details of any measures to avoid unnecessary light spillage from the floodlights. Whilst I note the presence of tall trees to one side of the

riding arena and the nearby industrial area which has numerous floodlights, I still consider it reasonable and necessary, in the interests of living conditions, for the imposition of a condition on floodlighting to avoid adverse light glare on neighbouring occupiers.

6. Accordingly, I conclude that condition 3 is reasonable and necessary, and would ensure that the development complies with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017), which seeks, amongst other matters, for development to not have an unacceptable effect by reason of light pollution or by other adverse impacts on local character and amenity.

Other Matter

7. Although reference has been made by the appellant to discussions with the Planning Officer where it was stated that the disputed condition should not have been applied, it is evident from the Council's Statement¹ that they consider this subject condition to be necessary. I have determined the appeal before me on its own merits.

Conclusion

8. For the reasons given above, I conclude the appeal should be dismissed.

F Rafiq

INSPECTOR

¹ April 2023

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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