



## Appeal Decision

Site visit made on 18 April 2024

**by R Morgan BSc (Hons) MCD MRTPI**

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

**Decision date: 7<sup>th</sup> May 2024**

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**Appeal Ref: APP/P1045/W/23/3327593**

**Walton House, Town Street, Brassington, Matlock, Derbyshire, DE4 4HB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr A Maier against the decision of Derbyshire Dales District Council.
  - The application Ref is 23/00107/FUL.
  - The development proposed is new agricultural access track and additional gateway.
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### Decision

1. The appeal is dismissed insofar as it relates to the new agricultural access track. The appeal is allowed insofar as it relates to the additional gateway and planning permission is granted for an additional gateway at Walton House, Town Street, Matlock, DE4 4HB in accordance with the terms of the application, Ref 23/00107/FUL, and the location plan submitted with it, so far as is relevant to the additional gateway hereby permitted.

### Preliminary Matters

2. The proposed development comprises of two discrete elements: a new recessed access and track linking Dale End with the appellant's farmstead, and an additional gateway on Wirksworth Dale allowing for the movement of livestock between the appellant's upper and lower land holdings. The appellant's statement advises that the additional gateway has been temporarily installed to allow for grazing, which I saw when visiting the site. I have therefore treated this element of the scheme as being retrospective.
3. At my request, the Council has provided a copy of the Brassington Conservation Area Appraisal, which is referred to in the Conservation Officer's consultation comments and the Council's appeal statement. I have had regard to this document in determining this appeal.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, including the effect on the setting of Brassington Conservation Area (BCA).

### Reasons

*Character and appearance, including Brassington Conservation Area*

5. Brassington is a small, tightly knit settlement situated on a valley side beneath a limestone plateau, on the edge of the White Peak. Much of the village is

included within the BCA, which contains numerous historic buildings, many of which date to the 17<sup>th</sup> and 18<sup>th</sup> centuries. Buildings are typically constructed of local limestone, which is also used in dry stone walls in the village and surrounding rural landscape.

6. As a rural community which has developed through mining and farming, the surrounding rural landscape forms an integral part of the settlement of Brassington. The fields to the east side of Town Street and Dale End, outside of the BCA, form part of the medieval 'croft and toft' system, with the 'crofts' being the long, thin parcels of land associated with the homestead, or 'toft'. The Conservation Area Appraisal explains that the 'crofts', which were separated by dry stone walls, were integral to the medieval settlement, and notes that Brassington has one of the best-preserved examples of this historic landscape form in Derbyshire.
7. The significance of the BCA is therefore derived from its attractive, historic buildings and streets, set within the wider rural landscape. Together, they provide evidence of a way of life which has evolved over a very long period of time.
8. The fields which the proposed new farm track would cross, are identified within the Conservation Area Appraisal as forming part of the 'croft and toft' landscape. These small fields, bounded by drystone walls, are clearly visible from within the BCA and on the northern approach into the village. The appeal site forms part of the setting of the BCA and contributes to its significance.

#### *Effect of the proposals*

##### Additional gateway

9. A new metal gate with wooden posts has already been installed to provide an additional access between the appellant's fields on either side of Wirksworth Dale, outside the BCA. A new field gate in this location, which allows the appellant to move livestock between fields without the need to transport them through the village, has very little visual impact and preserves the rural character of the area.

##### Recessed access and track

10. The proposed agricultural track would provide an off-road route for agricultural vehicles which would lead from the edge of the village to the appellant's farmstead. The new track, which would extend for some 130m, would be formed of compressed hardcore with a grass centre. It would cross two fields in the appellant's ownership, making use of an existing gap in the drystone wall which separates the fields.
11. The track would enter the farmstead in a new access which would be created between existing farm buildings. Two conifers and an ash tree, which according to the appellant has confirmed ash die back, would need to be removed, as well as a shed and static caravan. The Council has made no objection to the removal of these trees and structures to create a new access. As they do not make a positive contribution to the character of the area, I have no reason to take a different view.
12. On emerging from the farmstead, the track would pass behind a row of houses. Here, the track would be sited in the lowest part of the field, where it would be

- partially screened by surrounding buildings and trees. As a result, this part of the track would not be particularly prominent from the wider area.
13. However, the section of track linking the proposed new access entrance on Dale End would be far more visible, crossing the central part of the field. It would be seen from the northern approach into the village, and from the lane at Wirksworth Dale. The track would also be visible from the upper part of Dale End within the BCA, as well as from parts of the lane known as Bowling Green, which rises up from the main road.
  14. Tracks across the fields are visible here, but they are unmade, and the introduction of a new, hardcore track would be much more obvious. The proposed track would not be a particularly unexpected feature in this rural area, and the visual impact would soften over time. Nonetheless, the proposed track would cut across otherwise open fields, which form part of the 'croft and toft' landscape. The historic 'crofts' would remain intact with no additional openings proposed in the drystone walls, but the track would be clearly visible from various vantage points within the BCA, and in views towards the village. The proposed track would erode the visual integrity of the historic landscape setting of the village, and in this way would diminish the significance of the BCA.
  15. At the point of the proposed access onto Dale End, the existing drystone walls are in poor condition, with no gate in place at the time of my visit. The appellant has confirmed that the walls would be repaired as part of the scheme, and a new gate installed. Whilst this would be a benefit, the addition of a new, widened and recessed entrance onto Dale End, with a tarmacked surface to the road, would further detract from the traditional rural character of the area and the setting of the BCA.
  16. For the reasons given, the proposed access and track would cause harm to the historic landscape character of the area. However, by reducing the number of large vehicles passing through the historic centre of the BCA, the scheme would also have benefits for the character and appearance of the area.
  17. At the farmstead entrance, Town Street has the character of a country lane, lined with traditional stone buildings on both sides. Its narrow width and incline give Town Street an intimate character which appears relatively unaffected by modern development. The access to the farmyard, with traditional rural buildings on either side and stone barns visible within, provides a clear reminder of the farming roots of the village, and contributes positively to the character and appearance of the village and the significance of the BCA.
  18. The existing farm access onto Town Street is narrow, with visibility restricted by stone buildings on either side. The appellant has indicated that cars frequently park along Town Street and opposite the farm entrance, which was the case at the time of my visit. Neither the access or Town Street were designed for large modern vehicles, and I have no reason to doubt the appellant's assertion that larger agricultural and delivery vehicles can struggle to enter and exit the farmstead.
  19. As well as causing difficulties for the farm business, use of the access by large agricultural vehicles has the potential to damage historic fabric and erode the traditional rural character of this part of the BCA. By removing the need for large vehicles associated with the farm to pass along historic Town Street to

reach the access, the proposal would help to preserve the traditional rural character of the BCA.

20. Overall, I find that the additional gateway would preserve the character and appearance of the area, and there would be benefits associated with providing an alternative access to the farmstead for vehicles. However, I have also found that the proposed track and access would result in harm to the setting of the BCA. In the context of paragraph 208 of the National Planning Policy Framework (the Framework), the scheme would cause less than substantial harm to the significance of the designated heritage asset.

#### *Planning and heritage balance*

21. No objections have been raised by the Council's highways officer, and reduced congestion around the farm access would also have benefits for other road users. In this respect I note supporting representations from local residents, who also refer to safety benefits associated with the scheme.
22. That said, the severity of the existing access problem, and the effect on the day to day running of the business, is not entirely clear from the information provided. Specifically, there is no explanation as to how many vehicles need to use the access in an average day, or how often problems are encountered due to parked cars. The effect of access problems on the viability of the business is also unclear from the information provided.
23. Furthermore, the new field access from Wirksworth Dale will help to remove the need for some farm traffic to pass through the village, by enabling the appellant to move livestock between fields. The extent to which this reduces overall access issues is also unclear from the evidence provided.
24. I appreciate the appellant's intention to provide an improved access which would have wider community benefits, but the frequency and extent to which vehicles associated with the appellant's business cause problems for other road users, including pedestrians and children, is unclear. In a rural community such as this with other farms nearby, it seems highly likely that there would still be agricultural traffic passing through the village, and the proposed access on Dale End would be very close to the pre-school.
25. I note the appellants suggested alternative route for the track and agree that this would not offer any advantages over the appeal scheme in terms of its effect on the character and appearance of the area. Even so, from the evidence provided, it does not appear that there have been any discussions with the Council about other measures which might relieve problems at the existing access, which might avoid the need for the proposed track and gateway.
26. I am required by Framework paragraph 199 to give great weight to the conservation of the BCA as a designated heritage asset. Whilst I appreciate the issues highlighted, on the basis of the information provided, I am not persuaded that the public benefits of the proposed new access and track would outweigh the harms I have identified.
27. As it would cause harm to the character and appearance of the area and detract from the setting of the BCA, the proposed track and access onto Dale End would fail to comply with Policy S4 of the Derbyshire Dales Local Plan (2017), which requires that development protects, and where possible

enhances, the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic environment. It would also conflict with Local Plan Policies PD1 and PD5, which require developments to respect the character, identity and context of the Derbyshire Dales townscapes and landscapes, resisting development which would harm the setting of a settlement.

### **Conditions**

28. The proposed field access from Wirksworth Dale is not dependent on, or linked directly to, the proposed track. As it can take place without the proposed track, I have allowed this element of the scheme.
29. As the new gateway has already been installed, I have not imposed an implementation condition. Other than specifying plans, the Council has not suggested any other conditions relating to this element of the scheme, and I agree that none are required.

### **Conclusion**

30. For the reasons set out above, the additional gateway is acceptable, and I have allowed it. The proposed access and track would cause harm to the character and appearance of the area and the setting of the BCA. On the basis of the submitted evidence, this element of the scheme would fail to comply with the development plan and the Framework. On the basis of the information before me, the other material considerations are insufficient to outweigh this harm. The appeal is therefore dismissed as it relates to the proposed access and track.

*R Morgan*

INSPECTOR