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# Appeal Decision

Site visit made on 31 January 2023

**by D Wilson BSc (Hons) MRTPI**

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

**Decision date: 20 March 2023**

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**Appeal Ref: APP/P1045/W/22/3307622**

**The Grove, Brunswood Lane, Hulland Ward, Derbyshire DE6 3EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Adams against the decision of Derbyshire Dales District Council.
  - The application Ref 22/00455/FUL, dated 22 April 2022, was refused by notice dated 30 June 2022.
  - The development proposed is change of use of annexe associated with The Grove to separate dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the appeal site is an appropriate location for the development proposed, with particular regard to accessibility and development plan policies.

## Reasons

3. The appeal building is located at the bottom of the large garden area of The Grove, which is a large, detached dwelling. The current lawful use of the appeal building is a residential annexe associated with the Grove. The appeal site is located outside of any defined settlement limit and is over 1km from the nearest village of Bradley.
4. The site is accessed by an unlit, single-track road with no pavements, as such, there is no indication that any alternative access to and from the site could be provided other than by motor vehicles. This would likely result in future occupiers of the development having a heavy reliance on private motor vehicles to access services and facilities.
5. I note that the appeal building is already in residential use as an annexe, however due to the nature of the lawful use there is a relationship with the main dwelling. As such, vehicle movements to access services and facilities will likely be less as they could be shared and visits will be more likely from mutual family members rather than those from an independent dwelling which would likely be more frequent, even though it would be associated with only one additional separate unit of accommodation.
6. The conversion of existing buildings outside defined settlement limits is permitted by Policy S4 of the Derbyshire Dales Local Plan December 2017 (LP)

providing that the conversion accords with Policy HC8 of the LP which requires that four criteria are met. In this instance, the appeal building is of a permanent and substantial construction, and the proposal would not require any alterations or works and would thus not harm the character and appearance of its surroundings. The other criteria relates to the existing building making a positive contribution to the character and appearance of its surroundings. However, given its simple, modern design, lack of architectural or historic interest, and the rural location in which it is set where other buildings are more traditional and rustic in nature, I find that the existing building is a neutral feature and thus cannot reasonably be described as positively contributing to the character and appearance of its surrounding. It therefore fails this criterion.

7. Whilst the appeal building is located within proximity of other dwellings, this is sporadic, and the site is in a distinctly rural area. The site is also located away from settlements with services and facilities and, as such, I consider it to be an isolated location. Leading to the creation of an isolated home in the countryside, the appeal proposal would therefore be inconsistent with paragraph 80 of the National Planning Policy Framework (Framework) unless it meets one or more of the listed circumstances. Although the proposal would re-use an existing rural building, the relevant circumstance defined in Framework relates to development which would re-use of redundant or disused buildings and enhance its immediate setting. As the appeal building is neither redundant nor disused, this circumstance does not apply.
8. Accordingly, taking into account all of the factors discussed above, I conclude that the appeal proposal would not be in an appropriate location, with particular regard to accessibility and development plan policies, contrary to Policies S1, S4, HC8, HC9 and HC19 of the LP. These Policies, amongst other things, promote development in locations which are accessible by foot, cycle or public transport with reduced reliance on the private car, seek to meet most development need within or adjacent to existing communities, ensure that development is appropriately located, and that it can be accessed in a sustainable manner.

### **Planning balance**

9. The Paragraph 219 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. Paragraph 80 of the Framework seeks to avoid the development of isolated homes in the countryside; and whilst there are some exemptions to the re-use of buildings, this relates to redundant or disused buildings which is not the proposal in front of me. Paragraph 112 a) seeks to give priority to pedestrian and cycle movements, and so far as possible, facilitating access to public transport. I see no fundamental conflict between these aims of the Framework and those of LP Policies S1, S4, HC8, HC9 and HC19 and, as such, the conflict between the proposal and these policies should, be given significant weight, despite the shortfall in housing supply
10. I have found that the proposal would be located in appropriate location, with there being a particular reliance on private motor vehicles to access services. In this regard, I have found that the proposal would conflict with Policies S1, S4, HC8, HC9 and HC19 of the LP which attracts significant weight against the scheme.

11. The Council does not dispute the appellant's contention that it is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 74 of the Framework. As such, relevant policies for the supply of housing should not be considered up-to-date and paragraph 11d ii) should therefore be applied.
12. Paragraph 60 of the Framework refers to significantly boosting the supply of housing. However, the provision of just one additional unit would make little meaningful difference to the supply of housing in the district.
13. Paragraph 8 of the Framework refers to three overarching objectives to achieving sustainable development, economic, social and environmental objectives. The Framework however advises that they are not criteria for every decision to be judged against. Instead, planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account.
14. The proposal would provide some social benefit in terms of the provision of a new dwelling and contributing towards addressing the shortfall in housing land supply. It would also not result in any economic harm but nor would it result in any specific benefits in this regard. An isolated dwelling without access to services would however result in social harm and the reliance on a private motor vehicle would cause environmental harm.
15. I have no reason to conclude against the Council's assessment that the proposal would not cause harm to the character and appearance of the area. I recognise that the existing building also has its own utilities and access, and that proposal would not involve any internal alterations, however these matters are neutral and thus only attract limited weight.
16. Consequently, even if the shortfall is as the appellant suggests, the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The development would be physically isolated from settlements with facilities and services both in terms of distance and the absence of routes to them, or anywhere else, by means other than private motor vehicle. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

## **Conclusion**

17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

*D Wilson*

INSPECTOR