

<b>APPLICATION NUMBER</b>		23/00630/FUL	
<b>SITE ADDRESS:</b>		The Woodyard, Derby Road, Homesford, Matlock	
<b>DESCRIPTION OF DEVELOPMENT</b>		Change of use of land to 8 no. pitch traveller site with associated new access (Resubmission)	
<b>CASE OFFICER</b>	Mr Chris Whitmore	<b>APPLICANT</b>	Mr And Mrs P & A Hodgkinson
<b>PARISH/TOWN</b>	Wirksworth	<b>AGENT</b>	Mr Alan Yarwood
<b>WARD MEMBER(S)</b>	Cllr. D Greatorex Cllr. L. Peacock Cllr. P. Slack	<b>DETERMINATION TARGET</b>	9 <sup>th</sup> August 2023 (Extension of Time agreed up to the 15 <sup>th</sup> September 2023)
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Considered sensitive by the Development Manager	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To consider the impact of the development on the character and appearance of the area and the Outstanding Universal Value of the World Heritage Site

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Planning policy context</li> <li>• Suitability of the location</li> <li>• The effect of the proposal on the character and appearance of the area and the Outstanding Universal Value of Derwent Valley Mills World Heritage Site</li> <li>• Highway considerations</li> <li>• Flood risk and drainage</li> <li>• Land stability, contamination, services and amenity impacts</li> <li>• Impact on trees, biodiversity and wildlife</li> </ul>

<b>RECOMMENDATION</b>
That the application be refused.

## 1. THE SITE AND SURROUNDINGS

- 1.1 The site covers a 0.33ha area of flat, open land bound by a woodland of mature trees to the north, east and west. The woodland is subject to a Tree Preservation Order (DCC/TPO/115/A5). The southern boundary is open to views from the A6 and bound by a low stone wall. The site is largely down to hardstanding.
- 1.2 The site is within the open countryside and within the Derwent Valley Mills World Heritage Site (DVMWHS). Opposite the site is Birch Wood, which is a Local Wildlife Site and protected by County Council Tree Preservation Order DCC/TPO/115/W7. The site benefits from a double gated access off the A6, which is recessed and centrally positioned along the road frontage.
- 1.3 Part of the site lies within Flood Zone 2.



## 2. THE APPLICATION

- 2.1 This application is a resubmission of application code ref. 22/00182/FUL, which was refused at planning committee on the 14<sup>th</sup> June 2022 for the following reasons:
- 1. The development would unacceptably urbanise this part of countryside to the detriment of its character and appearance and result in harm to the outstanding universal value of the historic landscape within the Derwent Valley Mills World Heritage Site that would not be outweighed by the benefits to be derived from the delivery of an 8 no. pitch traveller site. As such, the proposal fails to comply with Policies S4, PD5 and HC6 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021) and Planning Policy for Traveller Sites (August 2015).*
  - 2. The provision of an 8 no. pitch traveller site in this location, with poor access to local amenities and services including schools, shops, health services, and employment opportunities by sustainable means would constitute an unsustainable form of development in the countryside that would be contrary to the aims of Policies S4 and HC6 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021) and Planning Policy for Traveller Sites (August 2015).*
  - 3. Insufficient information has been submitted to demonstrate that 8 no. traveller pitches on the site, which lies partly within Flood Zone 2 can be delivered without being vulnerable to flooding and not increasing the risk of flooding elsewhere contrary to the aims of Policies HC6 and PD8 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021).*
- 2.2 Full planning permission is sought for the same development, with additional information contained in a supporting statement which seeks to address the above reasons for refusal.
- 2.3 The development is almost a carbon copy and utilises plans that accompanied planning application code ref. 15/00642/FUL, which sought planning permission for a 7 no. pitch traveller site and a pitch for a site manager in 2015.
- 2.4 The submitted block plan identifies 7 no. pitches for travellers and a pitch for a site manager. The current access to the site is proposed to be blocked up and the access relocated to the east, where it is proposed to provide two parking spaces and a turning area. The access through the site is proposed to run largely along the southern edge of the site leaving space (1m minimum) for a 2m high timber fence and landscaping between the access and the site boundary wall with the A6. A turning head is proposed at the end to the access to the west.
- 2.5 Other than the site manager's caravan located close to the access, and a small area associated with pitch 8 to the west of the site, the pitches are proposed to be aligned along the north side of the access road; no details have been provided as to how the pitches will be separated. The manager's caravan would be set to the south of the proposed access track but would also be partially screened by the 2m high fence with landscaping set in front of this and behind the boundary wall.
- 2.6 The supporting statement, which accompanies this application mirrors the case that has been put forward by the applicant's at appeal in respect of the refusal of planning application 22/00182/FUL. The pertinent comments made in this statement are addressed in the officer's appraisal section of this report. The appeal in respect of the refusal of planning permission 22/00182/FUL is proceeding under the hearing procedure, with a hearing date set for the 10<sup>th</sup> October 2023.



### **3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

#### **3.1 Adopted Derbyshire Dales Local Plan (2017)**

S1	Presumption in Favour of Sustainable Development
S2	Settlement Hierarchy
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD5	Landscape Character
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC6	Gypsy and Traveller Provision
HC19	Accessibility and Transport
HC21	Car Parking Standards

#### **3.2 National Planning Policy Framework (2021)**

National Planning Practice Guidance

Government's Planning Policy for Traveller Sites (PPTS) 2015

Gypsy and Traveller Accommodation Assessment 2015

Gypsy and Traveller Accommodation Assessment 2022 (Draft)

Derwent Valley Mills World Heritage Site Management Plan

### **4. RELEVANT PLANNING HISTORY**

22/00182/FUL	Change of use of land to 8 no. pitch traveller site with associated new access – Refused (Appeal pending consideration)
16/00367/OUT	Erection of two buildings for Uses A1 (Retail), B1 (Business) and B8 (Storage/Distribution) via existing access (outline) – Refused
15/00642/FUL	7no. pitch traveller site and pitch for site manager – Refused – Appeal Dismissed
14/00767/VCOND	Variation of Condition 2 of planning permission 14/00133/FUL to allow for permanent use as a 3 no. pitch traveller site – Refused.
14/00617/FUL	Change of use of land to use for siting of 4 holiday lodges erection of building for stables and store and new access – Refused – Appeal Dismissed.
14/00133/FUL	3 no. pitch traveller site – Granted for temporary period of three years and to be commenced within three years.
14/00117/FUL	Change of use of land to use for siting of 6 no. holiday lodges – Refused.
13/00838/FUL	Change of use of land to use for siting of 8 no. holiday lodges (chalets) – Refused.
08/00891/FUL	Change of use of land and erection of 6 No. wooden camping huts and associated amenities building for tourism accommodation – Withdrawn.
01/07/0536	Erection of agricultural building for livestock and storage of fodder and implements – Granted.

### **5. CONSULTATION RESPONSES**

#### **5.1 Wirksworth Town Council:**

No Comment. Ask if the planning officers have established if the Travellers Liaison support this site.

## 5.2 Derbyshire Wildlife Trust:

No comments received, however, made the following comments in respect of application code ref. 22/00182/FUL:

The application area is stated to comprise made ground in the Design and Access Statement. We request photographs of the site to determine the nature of the habitats present and advise whether any further ecological assessment or biodiversity net assessment is necessary.

The application area falls within a SSSI risk zone, however we do not consider proposals to trigger consultation with Natural England.

Ancient woodlands are present to the north and south of the site, however Birch Wood to the south is separated from the site by the A6 and Lea Wood to the north is separated by the River Derwent and Cromford Canal. As such, there should be no constraints regarding the recommended 15 m buffer zones for ancient woodland. Lighting impacts to surrounding woodland should be considered, however this could be mitigated for through a condition requiring a sensitive lighting strategy.

The database indicates that a Tree Preservation Order(s) is present within the application area. This should be recognised in the site layout and an appropriate level of arboricultural survey and impact assessment provided to inform the application.

No records of protected species exist within the boundary. Reptiles, brown hare and water vole are present in the locality, largely associated with the nearby Cromford Canal and River Derwent. Given that the site is separated from the River Derwent by a track and some woodland, otter and water vole survey is not considered necessary as impacts are unlikely.

## 5.3 Local Highway Authority (DCC):

Make reference to correspondence with the previous agent and the submission of revised plans which showed passing places within the site and note that these passing places have not been shown.

The Local Highway Authority made the following comments in respect of application code ref. 22/00182/FUL:

*Regarding traffic impact associated with development there are no highway concerns raised with regards to the access arrangements onto the highway network or impact on the nearby junction's capacities, the existing network is therefore considered sufficient to be able to accommodate with the proposals without further interventions.*

*Notwithstanding the details in terms of visibility as shown on the submitted layout drawing it is considered that driver's visibility is acceptable in both directions given the location of the new access arrangement and visibility that can be achieved. Driver's visibility at the access can be secured through condition.*

*To conclude the scheme proposals can be accommodated into the existing network without detriment to other road users and on this basis, there are no objections to the proposed development from a traffic and highway point of view subject to conditions and informatives.*

The applicant's agent subsequently confirmed in writing that they agree to form passing places as previously set out.

#### 5.4 Environment Agency

In the absence of a flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

#### 5.5 DDDC Trees and Landscape Officer

No comments received, however, made the following comments in respect of application code ref. 22/00182/FUL:

I am aware that this location was previously granted temporary consent for use as a traveller site.

The site is prominent in views from the adjacent A6 road.

While planting alongside the A6 within the site may help to mitigate the visual impact of the proposals to some extent, the impact of the proposal on the Derwent Valley Heritage Asset would potentially be significant and should be considered by the Case Officer.

#### 5.6 Tree Officer (DCC)

The development lies within DCC TPO 115/A5 which was confirmed in 1971 and protects all trees present at that date or their replacements which have been planted under direction from the Council.

In order to provide sufficient information to accurately assess the likely effects of the proposed development on trees, can we please request further information as regards a full BS5837:2012 Trees in relation to design, demolition and construction.

This report should include:

- A survey of all trees which are likely to be impacted upon by the proposed development, with details and categorisation results provided in an appropriate schedule (as per BS5837:2012 sections 4.4 - 4.6)
- Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which encroach onto the site).
- Clear specifications for all proposed management works to retained trees.
- A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4).
- Root protection areas (RPA) and construction exclusion zones.
- Exclusion zone protective barriers (giving precise locations and specification).
- The position of all new underground services in relation to RPAs.
- Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs.
- Method statements for all other construction operations which impact on trees.
- Positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate) for all new tree planting.
- Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

#### 5.7 Derwent Valley Mills World Heritage Site Co-ordinator:

The site lies within the Derwent Valley Mills World Heritage Site (DVMWHS). The Derwent Valley Mills were inscribed on the World Heritage List by UNESCO in 2001. The Derwent Valley Mills Partnership, on behalf of HM Government, is pledged to maintain the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site by protecting, conserving, presenting, enhancing and transmitting its culture, economy, unique heritage and landscape in a sustainable manner.

The retrospective Statement of Outstanding Universal Value (SOUV) for the Derwent Valley Mills was adopted by the World Heritage Committee in 2010. The SOUV refers to the following UNESCO criteria, which the World Heritage Committee agreed were met at the time of inscription. They are:

C(ii) That the site exhibits “an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design”;

C(iv) That the site is “an outstanding example of a type of building or architectural or technological ensemble or landscape, which illustrates a significant stage in human history”.

The SOUV records that these criteria were met for the following reasons:

C(ii) The Derwent Valley saw the birth of the factory system, when new types of building were erected to house the new technology for spinning cotton developed by Richard Arkwright in the late 18th century.

C(iv) In the Derwent Valley for the first time there was large-scale industrial production in a hitherto rural landscape. The need to provide housing and other facilities for workers and managers resulted in the creation of the first modern industrial settlements.

A Management Plan for the World Heritage Site was created in 2002, and updated in 2020. It has as the first of its nine aims to: “protect and conserve the Outstanding Universal Value of the DVMWHS to ensure its transmission to future generations.” In accordance with this aim, and with reference to the operational guidance in Section 20 of the Management Plan, I have consulted with Derbyshire County Council’s Conservation, Heritage and Design Service (which advises the World Heritage Site Partnership in planning matters), and have received the following advice:

The WHS Partnership has been advised there are no further comments to add to the response provided previously. It is essentially the same scheme and the Partnership's previous comments (repeated below) are still valid.

The proposed development site abuts the A6, a former and historic turnpike road introduced over two centuries ago. The A6 road is one of the key transport routes developed along the Derwent Valley and as such is considered to be an important element of the World Heritage Site in recognition for its contribution to Attribute 4. As defined in the current Management Plan Attribute 4 relates to ‘The further development of industry including the introduction of new modes of transportation and utilities’. Furthermore, the former turnpike road, and its associated structures are included on the Historic Environment Record (HER), for Derbyshire, for its historic significance and its origins as a private turnpike created by Richard Arkwright.

One of the reasons the Derwent Valley was inscribed as a World Heritage Site by UNESCO is because it is an industrial landscape arrested in a rural setting. Consequently, the introduction of eight caravan pitches and their occupation by up to as many caravans, complete with associated paraphernalia thereof, is likely to unacceptably urbanise the setting of this section of the A6, an historic turnpike road. Further, the proposed development is likely to create a site with a domestic character that is incongruous to the naturalistic broadleaf woodland that surrounds it, which will negatively impact on the setting of the A6 and, therefore, the Outstanding Universal Value of the Derwent Valley Mills World Heritage

Site. Therefore, consistent with previous similar applications for the site, the Derwent Valley Mills World Heritage Site Partnership objects to the proposed development in principle.

The Partnership asks that these comments can be considered when a decision is made concerning this development.

Shortly before we received the consultation request on this application, we were invited to comment on the planning appeal concerning the previous application, which is effectively the same as 23/00630/FUL. I attach the Partnership's response, submitted to the Planning Inspectorate earlier this month, for your information, as the comments are relevant to this consultation.

#### 5.8 Natural England:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

#### 5.9 Network Rail:

Network Rail has no objection in principle to the development, subject to a condition to secure a trespass proof boundary treatment to ensure the safety, operational needs and integrity of the railway.

#### 5.10 Derbyshire Gypsy Liaison Group:

Derbyshire Gypsy Liaison Group made an application on this site in 2014 and obtained a 3 year permission, after exhaustive searches for land for a site within the Derbyshire Dales.

We have obtained sites in many district boroughs and this is one of the better places we have identified over the many years we have worked on Gypsy and Traveller planning issues.

We also obtained a permission on land at Watery Lane in Ashbourne but were unable to source funds to develop these much needed sites.

It is extremely difficult for elderly and disabled people to live without adequate facilities and there is a pressing need before we come to yet another winter.

It is understandable that local businesses, (many who have been very kind and supportive of DGLG and the families) would like car parks back for visitors.

The A6 road will soon be open and the visitor parking at the Matlock car parks will increase DGLG fully supports the application.

## 6. REPRESENTATIONS

Two letters of representation have been received, objecting to the proposed development. In the representations received the following concerns are raised:

#### Needs of the travellers

- No convenient bus services, shops, schools
- No convenient GP or other health services locally.
- As stated in the Derbyshire Dales Planning minutes dated 22/1/13 regarding a previous application for a traveller site, which was rejected, on the grounds the site does not provide visual and acoustic privacy. My home is set back several metres from the main



A6. I sit behind a thick hedge, double glazing, and a brick cavity wall and can still hear the traffic noise, especially the heavy haulage and quarry traffic that use it. Noise levels in a caravan much closer to the road than me would be considerably higher.

#### Wood Yard Site History planning etc

- Planning for a hotel was turned down on planning considerations, yellow lines/coming and going onto busy A6 at the former garden centre approximately 1 mile away.
- The Wood Yard Site application for holiday cabins has already been declined on planning grounds (safety, access, impact on a tourist area). Despite two different sites access points being put forward.
- Planning Ref 15/00642/FUL was refused and also refused on appeal in 2016 by the Planning Inspectorate. The Planning Inspectorate cited that the site was "an unsustainable location and that the harm which the development would cause to the area and the World Heritage Site would not outweigh the benefit".
- Planning Ref 22/00182/FUL was refused and is now being reviewed on appeal 10/10/23 by the Planning Inspectorate. 23/00630/FUL has now been submitted as a resubmission of 22/00182/FUL before the hearing on 10/10/23
- The Wood Yard site is within the UNESCO world heritage site and I believe this development would jeopardise this status. The world heritage site status increases tourism. A traveller site at this location would put this at risk impacting the revenue local businesses make from tourism.
- Previous smaller scale proposed developments have been turned down on the size and number of cabins/plots. Eight pitches is a far bigger development and would have a bigger impact and is totally unacceptable.
- The previous planning application for a permanent traveller site, made very recently, was turned down. There should be some restriction in place to prevent similar and even bigger developments to reduce stress due to this never ending flow of applications on all Derbyshire Dales council tax payers.

#### Developments which require vehicles coming and going have already been rejected on planning grounds for this area of the A6

#### *Site special considerations*

- The Wood Yard site is within the UNESCO world heritage site and I believe this development would jeopardise this status. With the world heritage site status comes an increase in tourism. I believe the proposed traveller site at this location would put this at risk with a consequent loss of revenue from local businesses.
- The Traveller families have to be able to conduct their business to earn a living. I appreciate that if you are a traveller you cannot be said to be running a business from home if you do not have a permanent address. However if you are asking that the council provides you with a permanent site you now have a permanent location then you are running a business from home. In effect you are opening a business in a world heritage site. The impact of running a business from any potential site should be taken into account in assessing its suitability with vans and larger driving on/off the site especially within a world heritage.

#### *Site Safety*

- The accident statistics for this stretch of the A6 are horrendous including one accident where the air ambulance was called after one car hit the wall of the wood yard itself. The air ambulance had to land within 120m from the site and there have been many fatalities in recent years. It is my opinion that the council will be putting at grave risk the lives of the travellers and their children should they go ahead with the wood yard at Homesford.

- The site is sandwiched between the A6 and a railway line. There is only a footpath on one side which is too narrow to walk two abreast.
- The speed limit of the road is 50mph and has double white lines in the middle and single white lines at the sides. The site is also on a bend.
- The site is narrow and access would mean having to make a 90 degree turn. Towing vehicles would find this most difficult to achieve without overhanging the busy A6. Making a slow turn at this point on the A6 would be very dangerous indeed. Especially for any refuse collection vehicles etc.
- Even with a fence the busy A6 is no area to play near, and one ball over the fence with a child coming out to claim it could be very serious. Also no child is going to stay in its 'designated' play area. The narrow footpath is then all that separates them from heavy high speed traffic.
- With no facilities in the area, as mentioned above, access to and from the site would be significantly increased.
- Developments which require vehicular access to and from the A6 in this area have already been rejected on planning grounds.
- This area of the A6 has seen many serious accidents/fatalities. The air ambulance was called after one car hit the wall of the wood yard itself.
- The site is between the A6 and a railway line. There is only a footpath on one side which is too narrow to walk two abreast.
- The speed limit of the road is 50mph and has double white lines in the middle and single white lines at the sides.

#### Costs to develop

- Land that couldn't be sold at auction for a guide of £100,000 as late as June 2012 in 2015 was deemed to be worth £170,000 if a traveller site was to be passed. I would presume that another increase in the 'value' of the land will follow is this an appropriate use of taxpayers money. This extra cost cannot be justified.
- The site has no mains water supply, sewage disposal, electricity, or gas and would require significant investment to provide these.
- Significant engineering works would have to be carried out to create the proposed access because of the drop in levels.
- The land is all infill of unknown origin.
- Currently a soil survey is being carried out on the A6 due to a collapsing retaining wall that runs along the A6 up to the side of the proposed site. I believe this site does not offer a cost effective solution for tax payers.

#### Land Stability

- I believe the land is unstable and is infill.
- The retaining wall alongside the A6 at this location is collapsing and is currently being surveyed.

Representations have also been received from an individual representing the landowner / applicant in support of the proposals. They point officers to the recent call for sites exercise undertaken by the District Council and the following requirements for a permanent site, namely:

- The site could be brownfield land (that means a piece of land that has already had buildings or development on it), but open countryside is also acceptable, sometimes referred to as a Rural Exception Site.
- Ideally, the site should be well screened or capable of being screened, limiting the visibility so that caravans or mobile homes are less visible.

- The site should be close to local amenities. This means reasonably close (usually within 3 to 5 miles) to shops, public transport, schools, etc.
- The site should have a safe entrance and exit on to the highway.
- The site should ideally have services provided to it or be able to have them installed. This means mainly electricity, water and sewage.
- The site should not be in an area prone to flooding. In addition expressions of interest should be made by the landowner or their Agent.

It is considered that the application site meets all of the above criteria.

## **7. OFFICER APPRAISAL**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (2021) is a material consideration in respect of this application.

7.2 Having regard to the case made by the applicant, the planning history of the site, consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the National Planning Policy Framework, the main issues to assess are:

- Planning policy context
- Suitability of the location
- The effect of the proposal on the character and appearance of the area and the Outstanding Universal Value of Derwent Valley Mills World Heritage Site
- Highway considerations
- Flood risk and drainage
- Land stability, contamination, services and amenity impacts, and
- Impact on trees, biodiversity and wildlife

The decision in respect of planning application 22/00182/FUL on the 14<sup>th</sup> June 2022 for the same development is also a significant material consideration.

### Planning policy context

7.3 As set out in the representations received and the case made by the applicant, it was resolved that planning permission be refused for a 7 no. pitch traveller site and a pitch for a site manager under application code ref. 15/00642/FUL in December 2015 on the basis that the development would be detrimental to the character and appearance of the countryside and the outstanding universal value of the historic landscape within the Derwent Valley Mills World Heritage Site (DVMWHS) and the unsustainable location of the site and planning application 22/00182/FUL was refused at planning committee on the 14<sup>th</sup> June 2022 for the same development for the same reasons and also lack of information to demonstrate that the development would not be vulnerable to flooding or result in flooding elsewhere.

7.4 Planning permission was granted for three traveller pitches on the site under application code ref. 14/00133/FUL in June 2014 on a temporary basis, in the absence of any alternative site provision being made at that time. However, the site was not considered suitable to meet the needs of the Gypsy and Traveller community in the long term given the adverse effects on the DVMWHS. It was also recognised that whilst there was public transport within walking distance, access to shops, employment, schools, health services and other services would be likely to lead to a heavy reliance on motor vehicles for residents of the site. As such, it was considered that the proposed traveller site performed poorly against the core principles for sustainable development.

- 7.5 As indicated above the Adopted Derbyshire Dales Local Plan (2017) is the current development plan for the area. Within this plan the application site is located within the countryside, and accordingly the principle of development falls to be considered against Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) which lists a number of circumstances where development may be supported.
- 7.6 Policy S4 of the Adopted Derbyshire Dales Local Plan (2017) advises that new development proposal within the open countryside should protect and where possible, enhance the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.
- 7.7 Criterion (i) of Policy S4 is applicable to this application as it supports development of Gypsy and Traveller sites in accordance with Policy HC6 of Adopted Derbyshire Dales Local Plan (2017). Policy HC6 of the Adopted Derbyshire Dales Local Plan (2017) identifies the District Councils obligation to provide for a minimum of 9 Gypsy and Traveller pitches for the period of 2013 – 2033. This was identified through a Gypsy and Traveller Accommodation Assessments (GTAA's) in June 2015 and covered Derbyshire and East Staffordshire jointly.
- 7.8 The Local Plan in 2017 identifies a 0.3ha site in Ashbourne (Land at Watery Lane) as a suitable site to meet 6 of the 9 pitches required. However this site has not, and is unlikely to come forward for development in the near future because the County Council resolved that the acquisition or disposal of property in their ownership, which may be impacted by a future A515 by-pass for Ashbourne should be suspended. Notwithstanding this, Policy HC6 sets out that for all other proposals for Gypsy and Traveller sites not allocated in the Derbyshire Dales Local Plan a criteria based approach to the determination of planning applications for such facilities will be considered and states that the Council will ensure that a five-year supply of specific deliverable sites for Gypsies and Travellers is maintained throughout the lifetime of the plan. This is consistent with the Government's Planning Policy for Traveller Sites (PPTS) 2015 which states that local planning authorities should identify, and update annually, a 5-year supply of specific deliverable sites. Paragraph 7(b) of the PPTS states that local planning authorities should prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan.
- 7.9 In the determination of applications for Gypsy and Traveller sites policy HC6 advises that the following considerations will be taken into account:
- a) the proposal will not have a significant detrimental impact on neighbouring residential amenity or other land uses
  - b) the site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network and would not result in a level of traffic generation which is inappropriate for roads in the area
  - c) the site is situated in a suitable location in terms of local amenities and services including schools, shops, health services, and employment opportunities to allow access by sustainable means
  - d) the site is capable of providing adequate on-site services for water supply, mains electricity, facilities for recycling and waste disposal and foul and surface water drainage
  - e) the site will enable vehicle movements, parking and servicing to take place, having regard to the number of pitches/plots and their requirements as well as enabling access for service and emergency vehicles
  - f) the site is not situated within an area at high risk of flooding

- g) the development is well planned and incorporates soft landscaping measures in order to mitigate the impact upon the character or appearance of the local area, the landscape or sites/areas of nature conservation value or heritage assets
- h) the site is capable of providing adequate levels of privacy and residential amenity for site occupiers
- i) the site is suitable taking account of ground conditions, land stability and other environmental risks and nuisances, with appropriate mitigation secured prior to occupation.

7.10 A new Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment remains in draft form. Although this could change to include any necessary provision within the Peak District National Park (which forms part of the Derbyshire Dales district), it indicates a provisional need to provide 8 pitches up to 2025 and a further 5 pitches up to 2040 in the Derbyshire Dales District, in addition to the 4 occupied permanent pitches within the Derbyshire Dales District at Land East of Grove Lane, Somersal Herbert which were allowed at appeal. Although the District Council is exploring the availability of land for gypsy and traveller sites, there are no other deliverable sites at this time. The District Council cannot therefore demonstrate a five year supply of available sites to meet an identified formal local target (in terms of the need that is underpins the current Development Plan and the draft Gypsy and Traveller Accommodation Assessment).

7.11 Paragraph 4 of the National Planning Policy Framework (2021) states that it should be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS) and that decisions on traveller sites should also have regard to the Framework so far as relevant. The Planning Policy for Traveller Sites (PPTS) sets out the Government's overarching aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. The PPTS includes policies on plan-making and on decision-taking.

7.12 Paragraph 24 of the PPTS (2015) states that when considering planning applications local planning authorities (LPAs) should consider the existing level of local provision and need for sites amongst other criteria. Policy H, para 27 of the PPTS (2015), states that the absence of a 5-year supply of deliverable sites should be a significant material consideration in any subsequent planning application when considering applications for the grant of temporary planning permission. There is no presumption that a temporary grant of planning permission should be granted permanently. The lack of a 5-year supply of deliverable sites to meet identified needs however, weighs in favour of the development and there is a requirement for applications to be assessed and determined in accordance with the presumption in favour of sustainable development.

7.13 Paragraph 24 of the PPTS also requires local planning authorities (LPAs) to consider the availability (or lack) of alternative accommodation for the applicants, other personal circumstances of the applicant and advises that LPAs should determine applications from any travellers and not just those with local connections. In this particular case, the application has been submitted by the landowner and not by the traveller community. The application, however, has the support of the Derbyshire Gypsy Liaison Group on the basis that the families currently sited on Matlock Station Car Park are in desperate need for facilities. Derbyshire Gypsy Liaison Group, however, recognise that a private owner is under no obligation to provide for these families. No mechanism has been submitted as part of this application to ensure that the pitches remain available to Travellers in perpetuity and will be effectively managed to ensure that needs are met going forward.

7.14 Finally Paragraph 24 of the PPTS requires local planning authorities (LPAs) to consider the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that

may come forward on unallocated sites. The criteria set out in Policy HC6 is therefore relevant in this respect.

### Suitability of the location

7.15 Part c) of Policy HC6 of the development plan requires that the site is situated in a suitable location in terms of local amenities and services including schools, shops, health services, and employment opportunities to allow access by sustainable means. This aligns with the PPTS which requires that local planning authorities should very strictly limit new traveller site development in the open countryside that is 'away from' existing settlements or outside areas allocated in the development plan.

7.16 Homesford is a small village located outside of the Derbyshire Dales District with a lack of basic facilities to meet day to day requirements. The nearest settlement that could provide basic facilities is Cromford which is some 3km away from the application site. The market towns of Wirksworth and Matlock are approximately 7km away from the site, where a greater range of services and facilities can be found. There are footpaths which link the site to bus stops and services which operate along the A6, however, such services are limited and the vast majority of journeys to and from the site would be by private motor vehicle. This was recognised by the planning inspector when considering application 15/00642/FUL for a 7 no. pitch traveller site and a pitch for a site manager at the site. On this issue the appeal inspector commented as follows:

*In this case the appeal site is in generally open countryside and is some distance from the nearest settlement at Cromford. Whilst I appreciate that there is a bus service to Cromford, and reasonable footpath access, I nonetheless consider that the relatively isolated location of the site, combined with the easy road access, would result in the majority of trips being made by car.*

7.17 The applicant indicates in a supporting statement, that accompanies this application and forms part of their case at appeal, that undue weight was given in the appeal decision in 2016 to provision in the emerging local plan when dismissing the site as being in an unsustainable location and state that it is no more unsustainable than the site for four permanent pitches at Somersal Herbert which was allowed at appeal. The policy position however remains unchanged and there are material differences between the proposed development and that allowed at Somersal Herbert, where the appellant and their family had established roots in the local area.

7.18 The Council has pledged to re-evaluate the opportunities and scope of looking for a permanent site as well temporary sites that take account of the provision in the north, central and southern areas of the Derbyshire Dales District. This is being undertaken as part of the local plan review process. It is fully aware of the needs of the families who the Council have a legal duty to accommodate and is committed to finding a solution that delivers a permanent site in a sustainable location, enabling ease of access to basic services and facilities. This application and appeal in respect of application 22/00182/FUL have been submitted ahead of the local plan review reaching an advanced stage and consideration of all options to meet this objective. In this context, it is not considered that the proposal can be considered the "only option" to address the need. Such a decision would be premature, particularly having regard to the number and nature of pitches proposed. The reference to the needs and health of the Romany Gypsy family group who the Council has a legal duty to find a site for is at odds with the scale of the development and the unsustainable location of the site. The site would not provide a settled base that reduces the need for long-distance travelling and provide access to basic services and facilities. This would apply equally to the families that the Council has a legal duty to accommodate, assuming that they would be allowed to settle on the site and any other traveller groups / families that the site would be able accommodate in addition to this.



7.19 There have been no material change in circumstances to conclude that the development would now be accordance with sub criteria c) of Policy HC6 or the PPTS. It remains that the site is unsuitably located in relation to services and facilities and employment opportunities.

The effect of the proposal on the character and appearance of the area and the Outstanding Universal Value of Derwent Valley Mills World Heritage Site

7.20 Criteria g) of Policy HC6 of the development plan requires that the development is well planned and incorporates soft landscaping measures in order to mitigate the impact upon the character or appearance of the local area, the landscape or sites/areas of nature conservation value or heritage assets. The site is prominently positioned within the Derwent Valley Mills World Heritage Site. Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will conserve heritage assets in a manner appropriate to their significance and states that particular protection will be given to designated and non-designated heritage assets and their settings including The Derwent Valley Mills World Heritage Site.

7.21 The National Planning Policy Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.22 The Derwent Valley Mills World Heritage Site Co-ordinator has advise that the introduction of eight caravan pitches and their occupation by up to as many caravans, complete with associated paraphernalia thereof, would unacceptably urbanise the setting of this section of the A6, an historic turnpike road. They also advise that the proposed development is likely to create a site with a domestic character that is incongruous to the naturalistic broadleaf woodland that surrounds it, which will negatively impact on the setting of the A6 and, therefore, the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

7.20 The planning inspector in the consideration of application 15/00642/FUL recognised the duty to conserve heritage assets and gauged there to be less than substantial harm in National Planning Policy Framework terms. In weighing the harm against the public benefits, particularly the provision of a traveller site in a context where there is an acknowledged need for such development the inspector did not consider the public benefit to outweigh the harm to the designated heritage asset. Giving great weight to the conservation of the heritage asset, it was considered the proposal would conflict with national and local policy and would harm the character and appearance of the area and the Derwent Valley Mills World Heritage Site.

7.21 The proposal, the subject of this application would cause the same level of harm to the heritage asset and it remains that the public benefit to be derived from the development would not outweigh this harm.

7.22 Addressing the impact on the character and appearance of this part of the countryside, the extent of screening required is a significant length of 2m high boundary fencing which will present a stark vista to the A6 which would be permeated with views over the fence of caravans and vehicles. In seeking to strictly limit new traveller sites in the countryside, paragraph 25 of the PPTS (2015) advises that weight should be attached to factors such as not over enclosing or isolating a site with hard landscaping, walls and fences. Such an intervention is required in this case to mitigate the adverse harm to the local landscape and heritage asset, resulting in a development that would not be well integrated within its surroundings and would cause significant harm to the character and appearance of this part of the countryside and the outstanding universal value of the World Heritage Site. Policy PD5 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will

seek to protect, enhance and restore the landscape character of the Plan area recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan area. This will be achieved by requiring that development proposals are informed by, and are sympathetic to the distinctive landscape character areas as identified in 'The Landscape Character of Derbyshire' and 'Landscape Character of the Derbyshire Dales' assessments and also take into account other evidence of historic landscape characterisation, landscape sensitivity and landscape impact amongst other considerations. The policy advises that development will only be permitted if all the following criteria are met:

- a) The location, materials, scale and use are sympathetic and complement the landscape character.
- b) Natural features including trees, hedgerows and water features that contribute to the landscape character and setting of the development should be both retained and managed appropriately in the future.
- c) Opportunities for appropriate landscaping will be sought alongside all new development, such that landscape type key characteristics are strengthened.

For reasons set out above the development is not considered to comply with the requirements of Policy PD5.

- 7.23 Notwithstanding whether a material start was made on an application to erect an agricultural building for livestock and storage of fodder application in 2001 on the site, such development is materially different to that which is proposed and would not urbanise the rural setting of the locality to the same extent as an 8 pitch traveller site.
- 7.24 In the supporting statement that accompanies this application the applicant points to an extant permission for an agricultural building to be erected on the site and this being no worse in terms of its impact on the World Heritage Site and advise that the site would be well screened.
- 7.25 The steel shed that was granted planning permission in the latter half of 2001 was approved at a similar time that the Derwent Valley Mills World Heritage Site was designated (December 2001). The building was approved to house livestock and the for the storage of fodder. Given the limited land holding and the fact that 22 years have passed since permission was granted, it is questionable as to whether there is a realistic prospect of this development taking place notwithstanding whether a lawful start was made. Furthermore, an agricultural building on the site has a different impact on the industrial rural landscape than 8 traveller pitches and associated infrastructure. This was recognised by the appeal inspector in respect of appeal code ref. APP/PI045/VV/15/3087227 when dismissing 4 no. lodges on the site. They stated that this permission related to a large agricultural building of semi-circular form and utilitarian appearance; however such a structure is not something that is uncommon in a countryside location. criteria, which the World Heritage Committee agreed were met at the time of inscription, which are set out in the World Heritage Site Co-ordinators comments.
- 7.26 One of the reasons the Derwent Valley was inscribed as a World Heritage Site by UNESCO is because it is an industrial landscape arrested in a rural setting. The World Heritage Site Coordinator has advised that the introduction of eight caravan pitches and their occupation by up to as many caravans, complete with associated paraphernalia thereof, would unacceptably urbanise the setting of this section of the A6. Further, they go on to state that the proposed development is likely to create a site with a domestic character that is incongruous to the naturalistic broadleaf woodland that surrounds it, which will negatively impact on the setting of the A6 and, therefore, the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. This has not been addressed by the appellant. It is considered that landscaping will screen the development so that it will be unobtrusive. The meagre margin between the highway and development and time for planting to become

establish, particularly having regard to the need for passing places is such that it would not, in the Local Planning Authority's view, form an effective screen. A significant length of 2m high boundary fencing which will present a stark vista to the A6 which would be permeated with views over the fence of caravans and vehicles. The requirement for such screening is both harmful to the WHS and is contrary to paragraph 25 of the PPTS (2015) which advises that weight should be attached to factors such as not over enclosing or isolating a site with hard landscaping, walls and fences.

7.27 The appeal inspector in the consideration of application 15/00642/FUL for essentially the same development and notwithstanding any decision in respect of the current appeal recognised that the provision of eight pitches on the site would be a significant benefit and that the Council did not have a five year's supply of such sites at that time and had regard to the same PTSS, which is still relevant to the assessment of this application. This did not outweigh the unsustainable location of the site and harm to the World Heritage Site. There have been no significant changes in policy, nor are there any other material considerations to indicate that the proposal should now be supported.

#### Highway considerations

7.28 Policy S4 of the development plan and criteria b) of Policy HC6 requires that the site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network and would not result in a level of traffic generation which is inappropriate for roads in the area.

7.29 The National Planning Policy Framework advises at paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.30 With passing places (which the applicant has agreed to provide and can be controlled by condition), the Local Highway Authority have previously raised no objection to the proposals in terms of the impact on the highway network and safety of road users.

#### Flood risk and drainage

7.31 As stated by the Environment Agency in their consultation comments the application site lies within Flood Zone 2, which is land defined by the planning practice guidance as having a medium probability of flooding. The National Planning Policy Framework (paragraph 167, footnote 55) states that a Flood Risk Assessment must be submitted when development is proposed in such locations.

7.32 Policy PD8 of the development plan deals with flood risk management and advises that the management of flood risk will be achieved by only permitting development within areas at risk from flooding as defined by the Environment Agency if a site specific flood risk assessment shows that the site is protected adequately from flooding, or the scheme includes adequate flood defences or flood risk management measures and takes account of the predicted impact of climate change amongst other considerations. The National Planning Policy for Traveller Sites indicates that particular regard should be given to the risk of flooding when considering applications for traveller sites due to the vulnerable nature of caravans and paragraph f) of Policy HC6 requires that the site is not situated within an area at high risk of flooding.

7.33 Officers recognise that the site is level with the A6 and comprises mainly built up ground, however, it is for the applicant to demonstrate that the site would be protected adequately from flooding. Without a flood risk assessment or consideration of this matter, the Local Planning Authority cannot be satisfied that the site would not be vulnerable to flooding and will not increase the risk of flooding elsewhere contrary to the aims of Policy PD8 and

national planning policy guidance. The correspondence from the Environment Agency in respect of this and the previous planning application is considered to be the most up to date / relevant, notwithstanding the email received by the applicant in 2015 submitted with this application and applicant pointing to their comments as a catastrophic error. This Environment Agency would have had access to this correspondence in commenting on this application.

#### Land stability, contamination, services and amenity impacts

- 7.34 Criteria d) of Policy HC6 requires that a site is capable of providing adequate on-site services for water supply, mains electricity, facilities for recycling and waste disposal and foul and surface water drainage and criteria i) requires that the site is suitable taking account of ground conditions, land stability and other environmental risks and nuisances, with appropriate mitigation secured prior to occupation. Similar provisions are included in policy PD9.
- 7.35 Reference is made in the representations received to the site being contaminated and comprising unstable ground. These matters in addition to the provision of appropriate services would be a matter for the landowner or any potential purchaser of the site to consider as part of bringing the site forward for development as a traveller site. Whilst it is accepted that made land has been formed within the part of the site which falls within Flood Zone 2 which may have now taken this out of a flood event, it is unclear as to if this land would not be vulnerable to erosion / the effect of a flooding event.
- 7.36 In the consideration of application 15/00642/FUL the District Council's Environmental Health team raised no objections to the application from a human health perspective. Issues of contamination and the provision of services can be conditioned as part of any decision to approve planning permission and would not constitute a sustainable reason for refusal.
- 7.37 Concern has been raised with regard to the use of the site resulting in nuisance to nearby properties and land uses. The proximity of the site to the nearest receptors is such, however, that the development is unlikely to result in any unacceptable impacts in planning terms.

#### Impact on trees, biodiversity and wildlife

- 7.38 Concern has been raised that no information has been provided by the applicant to assess the impact of the proposal on trees and their roots. The development appears to be concentrated on the made ground. Although the depth of the site is constrained by tree planting, consideration can be given to the impacts of any further hardstanding areas / development on existing trees through the use of a planning condition to ensure no detrimental impacts on these important landscape features.
- 7.39 The Development Plan (policy PD3) seeks enhancement of biodiversity and is supported by the NPPF, paragraph 174 of which advises that planning decisions should provide net gains for biodiversity. The direction of travel and importance of improving biodiversity is also clear from the Environment Act 2021, even though the 10% requirement is not yet in force. The application site area is limited to the existing areas of hardstanding and made ground and is of limited biodiversity value. To ensure no loss of biodiversity on site, it will be necessary to retain and supplement and landscape features to be affected by the development. There is also opportunity to enhance the existing habitat surrounding the site, within the control of the applicant. This could be conditioned as part of any planning permission and conditions imposed to not adversely affect any existing wildlife. As such, biodiversity impact and loss would not be a sustainable reason for refusal in officer's view.

#### Summary

7.40 In summary it is recognised that there is a clear need for traveller sites in the district and that the council does not have a five-year supply of sites at this time. The provision of 8 no. pitches therefore weighs in favour of the development. However, it remains that the unsustainable location of the site and harm to the character and appearance of the countryside and this part of Derwent Valley Mills World Heritage Site weighs significantly against the development and would not constitute a sustainable form of development when considered against the relevant provisions of the development plan and national guidance in the round. Where there are no relevant development plan policies or they are out of date, if there are clear reasons for refusing development to protect areas or assets of particular importance, there is no requirement to apply a tilted balance in favour of the development proposal. Furthermore, the site lies within Flood Zone 2 and without a site specific flood risk assessment, the Local Planning Authority cannot be satisfied that the site would not be vulnerable to flooding and will not increase the risk of flooding elsewhere contrary to the aims of Policy PD8 and national planning policy guidance. It is recommended that the application be refused for these reasons.

7.41 Although the applicant considers a previous permission for an agricultural building on the site in 2001 to be of relevance, this relates to a development of a different nature to that being applied for, notwithstanding whether a lawful start was made, which had a differing impact on the rural setting of the landscape and its contribution to the DVMWHS. The appeal inspector in the consideration of application 15/00642/FUL recognised that the provision of eight pitches on the site would be a significant benefit and that the Council did not have a five year supply of such sites and had regard to the same PTSS, which is still relevant to the assessment of this application. It is considered that appropriate weight was given to the lack of a 5-year supply of Traveller pitches and the weight to be applied to existing and emerging development plan policies and other material considerations at that time. Notwithstanding the additional information and justification provided by the applicant as part of this application, this does not change the assessment in favour of the application in officers' opinion, in terms of the requirements of Policy HC6 and all other material considerations. A recommendation of refusal is put forward on this basis.

## **8. RECOMMENDATION**

8.1 That planning permission be refused for the following reasons:

1. The development would unacceptably urbanise this part of countryside to the detriment of its character and appearance and result in harm to the outstanding universal value of the historic landscape within the Derwent Valley Mills World Heritage Site that would not be outweighed by the benefits to be derived from the delivery of an 8 no. pitch traveller site. As such, the proposal fails to comply with Policies S4, PD5 and HC6 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021) and Planning Policy for Traveller Sites (August 2015).
2. The provision of an 8 no. pitch traveller site in this location, with poor access to local amenities and services including schools, shops, health services, and employment opportunities by sustainable means would constitute an unsustainable form of development in the countryside that would be contrary to the aims of Policies S4 and HC6 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021) and Planning Policy for Traveller Sites (August 2015).
3. Insufficient information has been submitted to demonstrate that 8 no. traveller pitches on the site, which lies partly within Flood Zone 2 can be delivered without being vulnerable to flooding and not increasing the risk of flooding elsewhere contrary to the aims of Policies HC6 and PD8 of the Adopted Derbyshire Dales Local Plan (2017) and guidance contained in the National Planning Policy Framework (2021).

## **NOTES TO APPLICANT:**

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

This Decision Notice relates to the following documents:

Application Form for Planning Permission;

1:1250 Scale Site Location Plan;

1:500 Scale Existing Block Plan;

1:500 Scale Proposed Site Layout / Block Plan numbered SG.15.1 and associated annotations, and;

Documents Titled Design and Access Statement and Supporting Statement received by the District Council on the 14<sup>th</sup> June 2023.