

Planning Committee 12th December 2023

APPLICATION NUMBER		23/01033/FUL	
SITE ADDRESS:		Atlow Mill, Mill Lane, Hognaston, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Cladding of static caravan and installation of decking and screening with associated engineering works to form 1no. holiday let (part-retrospective)	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Mr James Jarvis
PARISH	Atlow	AGENT	Planning Design Practice
WARD MEMBERS	Cllr. P. Dobbs Cllr. S. Lees	DETERMINATION TARGET	13 th December 2023
REASON FOR DETERMINATION BY COMMITTEE	Requested by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	To assess the development in its context

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Background • Planning Policy • Policy justification and impact on the character and appearance of the area • Highway matters • Public Rights of Way • Impact on trees • Climate change • Drainage • Land stability • Impact on wildlife • Archaeology

RECOMMENDATION
That the application be refused.

1. THE SITE AND SURROUNDINGS

- 1.1 Atlow Mill is located approximately half way between Ashbourne and Kirk Ireton. It is situated at the bottom of a lane in a rural location. Although it is an old, historic, stone-built Mill, it is not a listed building or within a conservation area, but is nevertheless considered to be a non-designated heritage asset. The site was granted planning permission for a change of use to a flexible C2 Use (Residential Institution) and C3 (Holiday Accommodation) in 2020 (ref: 20/00117/FUL) and prior to that was used as an educational centre with the permission granted for conversion of a barn to two dwellings (ref: 0197/0022) and the conversion of a barn to 10 no. guest bedrooms (ref: 0597/0294) granted in 1997.





2. DETAILS OF THE APPLICATION

- 2.1 Full planning permission is sought for the cladding of a static caravan and installation of decking and screening with associated engineering works in order to facilitate its use as a holiday let. This is a part retrospective application as the works have commenced. To date, the static caravan has been relocated to the site from an area nearer to the buildings and has been set on a raised decked structure. A framework has been constructed around the caravan but works ceased when the applicant was made aware that planning permission was required for the development and an enforcement notice was served on the following basis:

The development is in an unsustainable, rural location and is unjustified, encroaching and harmful to the character and appearance of the open countryside and contrary to the aims of Policies S1, S4, PD1, PD2 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

To this end, the requirements of the enforcement notice to address the above are as follows:

- a) *Permanently remove the static caravan, associated timber cladding, decking structure and retaining walls from the land edged in blue on the attached plan, and from the land area shown in red on the attached plan.*
- b) *Reinstate the slope of the field in the area edged blue to its condition prior to the unauthorised works having taken place, i.e., reinstate the sloping land and return the land to its previous condition.*

The applicant states that the enforcement notice was served without written warning and work ceased immediately.

- 2.2 With regard to this part retrospective planning application, the applicant advises that Atlow Mill is a well established complex of holiday lets and that they have invested heavily in recent years restoring and improving the group of buildings. It is advised that the units are popular, with visitors who come and stay in the Derbyshire Dales and contributing significantly to the local economy. The site was operated for many years by previous owners to provide a residential education centre for disadvantaged children. At this time, the courses would hold up to 40 people on them. Short-term accommodation use was therefore well established, and the dominant planning use on the site is short term holiday accommodation.
- 2.3 The static caravan is advised to have been at Atlow Mill for 10 years and, prior to that, there was another static caravan since before the year 2000. The caravan served as teacher's accommodation for the previous owners, and was then occupied by the current applicants when they renovated the site; its existence, and occupation, is therefore well established. The applicants recently relocated the caravan to the southern end of the site and began

cladding it with a timber frame, in an effort to improve its appearance and re-purpose it as holiday accommodation.

- 2.4 This part retrospective application proposes a scheme for the caravan to be finished with natural timber cladding on an insulated timber frame, and traditional 3" profile metal cladding on an insulated pitched roof, essentially creating a chalet. The windows are proposed to be more efficient UPVC frames. As existing, there are 11 openings on the static caravan, which will be reduced to 10 openings on the cladded proposal. The chalet would provide double bedroom, a bathroom and open-plan living area.
- 2.5 It is proposed that there will be timber decking surrounding the chalet, which is proposed to be stained in a darker colour. This would provide a step-free access to the accommodation, which is also all on one level, and has the advantage of further insulating the underside of the chalet to protect it from the wind. There is also proposed to be a 6.5ft, locally made hazel screen at the northernmost edge of the decking which, when coupled with the proposed tree, agricultural style hedge and wildflower planting to the east of the chalet, with the aim of providing a natural-looking privacy screen.
- 2.6 The applicant advises that the business has a 3-night minimum stay, meaning the caravan will generate £450 for the local economy for every 3-night stay and is expected to attract around 60 stays per year, which gives a total of £27,000 to the local economy. The business itself also spends a significant amount in the local economy, totalling to £116,000 per year, broken down as follows:
- cleaning - £26,000 per year, supporting 4 local people
 - food & drink in the cottages - £9,000 per year with the farm shop in Hulland Ward and other shops in Ashbourne
 - gardening - £14,000 per year, supporting 3 local people
 - maintenance - £43,000 per year, supporting 1 local person
 - building materials - £24,000 with local builders merchants
- 2.7 Guests staying at the business also spend money in the local pub and tourist attractions. As such, the development supports the three pillars of the NPPF's policy for achieving sustainable development. From an economic perspective, the proposal will promote tourism within the Derbyshire Dales. From a social perspective, the proposed development can support the community of Atlow through tourism and the promotion of the area. The development also supports the environmental objective through the planting of trees, hedging and wildflowers, which will further enhance the already biodiverse rich site. The proposal makes use of an existing structure that has been on site for at least the last 10 years, albeit having moved from its original siting. This means that the number of structures on the site has not intensified, and the movement of the caravan creates a less cluttered environment.
- 2.8 Whilst the applicant acknowledges that Policy EC9 of the Adopted Local Plan 92017) requires for holiday accommodation sites to be within a sustainable location, that is within, or in close proximity to an existing settlement, it is considered that the proposal needs to be assessed with the whole of the Local Plan in the round, and the compliance with the NPPF. Therefore, despite not being within an existing settlement, the applicant considers the proposal supports other policies of the Local Plan and the NPPF, through the expansion of an existing rural business that will promote tourism in the area and, therefore, helping to sustain and increase the local economy. For these reasons, the applicant considers the conversion of the static caravan to holiday accommodation can be considered acceptable in principle.
- 2.9 In terms of the character and appearance of the development, the applicant advises that the proposed cladding of the static caravan will be natural timber cladding on the external

walls and traditional 3" profile metal cladding on the roof. The timber applicant considers that the cladding will assimilate with the surrounding character of the area, which is heavily wooded, whilst the metal cladding will assimilate with another building on the site which is a converted agricultural barn. The applicant considers that the mixture of the two claddings will give the appearance of a modern design, without the caravan looking out of place in the context of the site. Similarly, the applicant is of the view that the timber decking will conform to the wooded character of the area, and will be stained a darker colour to further 'blend in' with the trees surrounding. Locally made hazel privacy screens are also proposed to further emphasise the wooded nature. This wooden character will be softened by proposed planting of trees, wildflowers and hedging to the east of the site, and potted plants in front of the privacy screens.

- 2.10 By virtue of the site being located in a valley, with a Public RoW running alongside the site up the hill, the applicant recognises that the development could be quite visible but that the current and proposed planting and privacy screens will mitigate the impact of the impact on the character of the area, especially from the view of the public footpath. The planting has been picked specifically for larger canopies that will 'bush' out and block the view of the caravan from the footpath. Hedging is proposed to soften the character of the existing fence between the site and the field. It is also advised that, as the redeveloped caravan is some distance away from the historic mill buildings, it will not harm the setting and, in moving the caravan further away and improving its appearance, it will improve the setting of the non-designated heritage asset in accordance with Policy PD2 of the Adopted Local Plan (2017).
- 2.11 With regard to the impact on amenity the proposal includes planting of trees and the use of hazel privacy screens. When combined, these will prevent the amenity of neighbouring holidaymakers and footpath users from being adversely affected. With regard to biodiversity, it is advised that no trees will be affected by the proposal, and further tree planting has been proposed. The proposed wildflower and hedge planting will also provide a net gain of biodiversity on an already biodiverse rich site
- 2.12 Given the above, the applicant considers that the proposal will adhere to the policies in the NPPF and the Adopted Local Plan (2017), through the sustainable expansion of an already profitable rural tourism-based business.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan (2017)

S1	Sustainable Development Principles
S4	Development in the Countryside
S9	Rural Parishes Development Strategy
PD1	Design and Place Making
PD2	Protecting the Historic Environment
PD3	Biodiversity and the Natural Environment
PD4	Green Infrastructure
PD5	Landscape Character
PD6	Trees, Hedgerows and Woodlands
PD7	Climate Change
PD8	Flood Risk Management and Water Quality
PD9	Pollution Control and Unstable Land
HC19	Accessibility and Transport
HC21	Car Parking Standards
EC8	Promoting Peak District Tourism and Culture
EC9	Holiday Chalets, Caravan and Campsite Developments

- 3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)
- 3.3 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)
- 3.4 National Planning Policy Framework
- 3.5 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

0384/0215	Conversion of derelict mill to residential music centre	PER	10/05/1984
0197/0022	Conversion of barn to two dwellings	PER	24/02/1997
0597/0294	Conversion of barn to 10 no. guest bedrooms	PER	10.07.1997
19/00562/CLEUD	Certificate of Lawful Existing Use - Use of 'The Milking Parlour' as a C2 - Residential Institution	REF	24/07/2019
19/01350/FUL	External alterations to mill building to provide additional windows	PER	17/01/2020
20/00117/FUL	Change of use to flexible C2 Use (Residential Institution) and C3 (Holiday Accommodation) Uses	PER	16/04/2020
21/00586/FUL	Proposed conversion to building and change of use to holiday lets and conferencing facility	REF	12/08/2021
21/01451/FUL	Extension and alterations to building	PER	14/02/2022

5. CONSULTATION RESPONSES

Parish Council

- 5.1 - details of application sent to all Atlow members and 11 responses were submitted (an unusually high number) and all were strongly in favour of the proposals
- in its old position, the caravan was extremely obtrusive and unattractive both to occupants and persons walking in the locality
- new position allows the caravan to be screened by vegetation and the cladding will greatly improve the appearance of the structure and allow it to be far more energy efficient
- new position and cladding bring the caravan more in keeping with the work already done by the applicant to restore and improve other buildings and grounds at The Mill
- everything has been done to a very high standard and is appropriate and sympathetic to the site and has generated strong approbation from residents
- if allowed to remain in new position with full wood-cladding will no longer detract from views and experience of local walkers, will make the stay in the caravan more pleasant, will provide a much needed holiday facility in Derbyshire Dales for those with special accessibility needs and will benefit the environment

- The Mill has a proud history as a water powered corn mill possibly built before or renovated extended in 779, and then as an educational centre and charitable organisation allied to Derby University which provided much benefit and enjoyment to the many adults and children who attended courses and events there, but which invested its income in its activities rather than infrastructure
- Mr. Jarvis and Ms Thacker have regenerated this beautiful spot which is very important to Atlow residents
- have created a new and excellent amenity of which Atlow and Derbyshire Dales can be proud and which is already bringing many new visitors and welcome business and funds to the whole area
- Parish Council strongly in favour of the application and would be most grateful if Members allow their decision to be led by common sense and the best interests of the village and local area.

Environment Agency

- 5.2 - the Flood Map for planning (flood zone outlines) is deemed not sufficiently accurate to resolve the details of possible flooding for individual properties or sites
- based on the topographic land data, can advise that the site lies on land in flood zone 1 (FZ1) which is located outside of the area of fluvial flood risk (with the exception of the unlikely failure of Carsington Reservoir which, due to inspection and maintenance requirements for this reservoir, poses a low risk to the proposed development) and therefore have no fluvial flood risk objections to the proposals as submitted
 - request that the applicant be advised with regard to a permit, protected species and biodiversity.

Local Highway Authority (Derbyshire County Council)

- 5.3 - given the current use of the caravan, do not consider that the holiday let use will result in any significant impact on existing highway conditions and therefore there are no highway objections to the proposal.

Public Rights of Way (Derbyshire County Council)

- 5.4 - confirm that Atlow Public Footpath No. 3 runs northeast southwest to the east of the proposed development
- no objection to the proposals as it appears that the route will be ultimately unaffected by the proposed works
 - confirm that, at as of 9th November 2023, no applications which affect the site have been received under Section 53 of the Wildlife and Countryside Act 1981 but that this information is provided without prejudice to any claimed rights, which might subsequently be proven to exist under Section 53 of the Wildlife and Countryside Act 1981
 - ask that informatives are attached to any grant of planning permission.

Peak and Northern Footpaths Society

- 5.5 - no objection.

Ramblers Derbyshire Dales Group

- 5.6 - no objection providing that:
- i) Atlow FP 3 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 - RoW FP 3 crosses the access track Mill Lane and appropriate safety measures should be considered

- iii) any encroachment of the path would need consultation and permission with/from the DCC Rights of Way Team.

Arboriculture and Landscape Officer (Derbyshire Dales District Council)

- 5.7 - no objection.

Derbyshire Wildlife Trust

- 5.8 - based on the proposals and the information submitted, advise that the application is considered low impact and unlikely to have a substantive adverse effect on biodiversity
- do not consider ecological surveys or Biodiversity Net Gain assessment necessary or proportionate in this instance
 - due to the small scope of works, do not consider that the development will have an impact on the adjacent potential Local Wildlife Site or Henmore Brook
 - advise that developers should be cautious and limit any potential pollution leaking into the adjacent brook during works by following best practice guidelines for pollution prevention
 - welcome the proposed wildflower, hedgerow and tree planting and providing native species are chosen, and that the site is likely to secure a net gain for biodiversity, in line with the objectives listed within the National Planning Policy Framework (2023)
 - advise that a lighting condition should be secured, if new lighting is proposed to be installed to safeguard the nearby bat roost and reduce light pollution on the nearby brook.

Environmental Health (Derbyshire Dales District Council)

- 5.9 - no objection but request informative be attached that this site has a private water supply and should be sampled once per year if operating as a holiday let.

Development Control Archaeologist (Derbyshire County Council)

- 5.10 - proposed development lies over three heritage assets recorded on the Derbyshire HER.
- at the juncture of extant medieval earthworks (MDR15759) in the form of ridge and furrow cultivation platforms to the east; and parts of the Parkside Brook Medieval Deer Park (MDR14232) to the west
 - access road within the proposed application area also crosses part of the late 18th century corn mill complex (MDR8567) and there is a clear rectangular depression close by to the north-west of the proposal area, which lies beneath medieval earthworks
 - note from the proposed sections that ground works will entail ground reduction of up to 1m, to create a terrace to accommodate the proposed building
 - potential for impacts to archaeological deposits of medieval or earlier date to be occasioned by this application and archaeological works, in the form of archaeological monitoring of ground reduction, should be undertaken
 - the works could be attained by the inclusion of a suitably worded condition into planning consent, under para 205 of NPPF.

6. REPRESENTATIONS RECEIVED

- 6.1 Six letters of support for the application (two non-attributable) which are summarised as follows:

Planning Policy

- caravan itself has been on site for many years

- accommodation currently provides holidays for tourists who use the local facilities, shops, pubs and local attractions which is vital to our rural communities, economy, jobs especially in this difficult time
- present accommodation is high end and attracts regular bookings
- provides between 20 and 40 hours a week in cleaning hours which not only provides the rural work force with full time work but keeps people local
- other local trades also benefit from the complex such as builders/gardeners/electricians/etc
- making the caravan into accommodation is a great way of providing further guest accommodation for the 1000s that visit every year
- visitors are looking for high-end holidays somewhere different
- too many cottages/ houses in the local area are used as businesses/2nd homes
- sure it could help take some of the pressure off small villages and towns, where currently there is nowhere long term rentals available.

Impact on the Character and Appearance of the Area

- recent work carried out at Atlow Mill is a brilliant example of how buildings can be restored and improved while keeping the character of the building intact
- have full confidence that any further work will be of a similar high standard and be in keeping with the surrounding buildings and countryside
- the movement of the caravan to the end of the site has improved the setting of the original buildings and will be more visually attractive from the footpath that runs close by
- the fully cladded caravan is now in a sheltered site and only visible from the footpath running from Atlow Mill to Atlow Village - it is not visible from any public roads or from any other footpaths
- this rather ugly static off-white caravan has been part of the accommodation available at the property for well over 10 years and was previously sited right next to the field boundary along which runs Atlow Footpath Nr.3
- any walkers using the footpath were within touching distance of the caravan, which was far from a visual asset, and there was no privacy for occupants
- its pale colour made it stand out, disrupting the view, for a long distance in any line of site
- the applicant halted the cladding process as soon as he realised he should have sought permission beforehand, but the cladding was being done as part of the screening effort, to help the caravan to blend in with its environment
- improving the experience of local and visiting walkers

Amenity

- has so far, and can continue to be achieved, with no disruption to anyone while the work is undertaken.

Accessibility

- providing accessibility for those with special needs
- the caravan has been moved a short distance across the end of the applicant's garden or yard, to a lower position where it is possible to provide screening and a flat surround, which will improve access for everyone as the previous position was on a slope and rather muddy in winter, and will also allow the caravan to be used by wheelchair users and those with other disabilities.

Climate Change

- would allow the caravan to be made much more energy-efficient
- a good idea to reuse// recycle something that could of been easily scrapped

Other Matters

- owners have invested a considerable amount of money and time into this property as a whole, ensuring its survival and future, preventing another rural/ historical complex
- a number of Atlow residents have commented on the huge amount of work that Mr Jarvis and his partner have undertaken to restore and improve the buildings and surrounds at The Mill
- clear to us all that they have gone to much effort, and no doubt expense, in doing everything to a high standard which is in keeping with the surroundings and the history of the site
- are creating an amenity of which Atlow and Derbyshire Dales can be very proud, and which is already bringing many new visitors and welcome business and funds to the whole area
- having worked closely with Planning Officers on the earlier refurbishments around the site during the past 2 years, know that Mr Jarvis is mortified that he did not realise he should have applied for planning permission before moving the caravan, but he stopped the work as soon as he realised and is now anxious to do anything he can to fit in with any planning requirements.

6.2 Letter of support from previous owner which is summarised as follows:

- lived there for 25 years and, during that time, installed a static caravan on the site
- had been there for 6 years when sold the property
- replaced a previous caravan which had been there for the previous 10 years
- current owners have moved the static van to a site further down the field where it is much more shielded from view
- previously, could clearly see the installation from the public footpaths just above Atlow Mill in the adjacent field and from the path leading to Madge's ridge
- now hidden from view and, due to the sensitive cladding, much more in keeping with the landscape
- during the years the van was in situ, it was used to house charity staff and volunteers, course participants and occasionally for holiday use
- present owners have much enhanced the site with landscaping and refurbishment which, as a charity, former owners were unable to afford to do
- they have put a great deal of money into this and sure you will not deny them the opportunity to further enhance their business and their livelihood
- also provide work for people in the local community.

6.3 Letter of support from employee which is summarised as follows:

- have worked at Atlow mill for over two years and seen a steady progress of quality redevelopment at the site and the recent static caravan project is a further addition to a very successful holiday accommodation business
- almost all of the tourists visit cafe's , restaurants, and many visitor attractions in the local area benefiting local community financially
- the caravan project will be another addition adding varied tourist accommodation to this attractive site,
- sure that the static caravan project will blend it perfectly in the lower corner of the site with consideration for all plants and wildlife,

6.4 Letter of support from applicant's grounds manager which is summarised as follows:

- believe that there have been some concerns about the site,
- have taken on board where the site is, and put a lot of thought into not just planting to be seasonal, but also for the longevity of the areas
- planting has all been sourced locally and also to attract pollinators to add to the rich diversity of the site
- eventually it would be lovely to have some bee hives to be able to carry on the sustainability
- where cess pits are have planted fragrant plants that not only create a sensual feel, but also a fragrance
- have fruit trees to create an orchard that visitors will be able to help themselves as with the plum trees
- believe that the planting enhances an already beautiful site, and that as it grows will provide a rich and diverse site encouraging not only bees, but butterflies, insects and birds
- visitors to the site have commented on how beautiful the gardens look when in full bloom, and the water course only adds to the beauty of the site.

7. OFFICER APPRAISAL

Background

- 7.1 The applicant has advised that there has been a mobile home at the property for in excess of 10 years, and this replaced a previous caravan; this has also been advised to have been the case by the previous property owner.
- 7.2 However, the caravan has not been in continuous use for holiday let purposes and has been relocated to an area at the far end of the site, away from the existing building. In relocating the caravan, significant works have been undertaken to set it into retained land and to erect a decked structure to allow level access into the caravan. The caravan is being clad with timber and it is intended that the caravan would be better insulated. As such, the proposals amount to the erection of a new build holiday chalet for which planning permission is required and for which a certificate of lawful use or development cannot be granted. Therefore, this development needs to be assessed against the relevant policies of the Adopted Derbyshire Dales Local Plan (2017).

Planning Policy

- 7.3 The applicant has identified policy considerations in their Design and Access Statement. In terms of national guidance, the NPPF advises the following in paragraph 8:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

c) *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.4 Paragraph 84 advises that:

Planning policies and decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and...*

7.5 Paragraph 130 advises that:

Planning policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

7.6 Atlow Mill is a non-designated heritage asset and, as such, regard should also be given to paragraph 203 of the NPPF which states:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.7 The applicant goes on to refer to relevant policies contained in the Adopted Derbyshire Dales District Council Local Plan (2017). Policy S1 (Sustainable Development Principles) advises that:

All developments should seek to make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area wherever possible. This will be achieved by:

- *...Making efficient and effective use of land, particularly land which has been previously developed, (including the remediation of contaminated land and addressing land instability issues), buildings and existing infrastructure (Policy PD9).*
- *...Making efficient use of land by optimising the use of sites whilst also reflecting the character, accessibility and infrastructure capacity of the area.*
- *...Supporting the local economy and businesses by providing for a range of economic developments that provide employment opportunities suitable for local*

people in environmentally, socially and economically sustainable locations and generally encourage larger developments to incorporate mixed uses, where possible, to do so as to reduce the need to travel (Policies EC1, EC2, EC3, EC4 and EC5).

- *...Seeking to secure high quality, locally distinctive and inclusive design and layout in all development (Policy PD1).*

7.8 However, in making such a reference, the applicant omits reference to the requirement of the Policy that sustainable development will be met by:

- *Meeting most development needs within or adjacent to existing communities having regard to the defined settlement hierarchy (Policy S2)..*
- *Minimising the need to travel by promoting development in locations where there is access to a broad range ofservices and facilities which are accessible by foot, cycle or public transport with reduced reliance on the private car (Policy HC19).*

Policy HC19 (Accessibility and Transport) advises that:

....Proposals should minimise the need to travel, particularly by unsustainable means of transport and help deliver the priorities of the Derbyshire Transport Plan....

7.9 Policy S4 (Development in the Countryside) advises that:

Outside defined settlement development boundaries, and sites allocated for development as defined on the Policies Map, the District Council will seek to ensure that new development protects and, where possible, enhances the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development. Planning permission will be granted for development where:

- b) *...It represents the sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities.*
- k) *...It preserves and/or enhances the character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park;*
- n) *...In the case of proposals to re-use an existing building or buildings that are capable and worthy of conversion. Any such conversion will involve a building that positively contributes to an established local character and sense of place. In the case of replacement buildings they must bring about environmental improvement.*

To this end, the applicant fails to refer to paragraph m) of the Policy which states:

It does not lead to excessive encroachment or expansion of development away from the original buildings;

7.10 Policy S9 (Rural Parishes Development Strategy) states that:

The District Council will seek to promote the sustainable growth of the rural parishes whilst promoting and maintaining the distinct identity and historic character of individual settlements, improving accessibility to services and facilities wherever possible and meeting the housing needs of local communities. This will be achieved by;

- c) *...Encouraging the growth of local employment opportunities and supporting the diversification and growth of local business by:*

- ...encouraging the growth of sustainable tourism in appropriate locations.

7.11 Policy PD1(Design and Place Making) states that:

The District Council will require the layout and design of new development to create well designed, socially integrated, high quality successful places, where people enjoy living and working. All developments should respond positively to both the environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place. This will be achieved by:

- *Requiring all development to be of high quality design that respects the character, identity and context of the Derbyshire Dales townscapes and landscapes.*
- *...Requiring that development 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.*
- *Requiring that development achieves 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.*
- *Requiring the inclusive design of development, including buildings and the surrounding spaces, to ensure development can be accessed and used by everyone, including disabled people.*

7.12 Policy PD2 (Protecting the Historic Environment) advises that:

The District Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to designated and non-designated heritage assets and their settings including:

- *...Non-designated heritage assets.*

This will be achieved by:

- *...Requiring proposed developments that affect a heritage asset and/or its setting, including alterations and extensions to existing buildings, 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."*

7.13 Policy PD5 (Landscape Character) advises that:

The District Council will seek to protect, enhance and restore the landscape character of the Plan area recognising its intrinsic beauty and its contribution to the economic, environmental and social well-being of the Plan area. This will be achieved by:

- *Requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, such as trees and woodlands, hedgerows, walls, streams, ponds, rivers or other topographical features.*
- *...Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement. 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.*

7.15 Policy EC1 (New and Existing Employment Development) states that:

The District Council will support proposals for new or expansion of existing business or industrial development in sustainable locations that contribute towards the creation and retention of a wide range of jobs, an increase in higher value employment opportunities and training provision locally in order to enhance the economic base of the Plan area. This will be achieved by:

- *...Encouraging the appropriate expansion of existing businesses requiring additional space to grow.*
- *Supporting visitor-based service sector jobs within the local tourism industry....*

7.16 Policy EC9 (Holiday Chalets, Caravan and Campsite Developments) advises that:

Development proposals for new, or extensions to existing, holiday chalets, touring caravan and camp site developments will be permitted provided that:

- a) *the development would not have a prominent and adverse impact on the character and appearance of the immediate or 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.*

7.17 In addition to the above policies to which the applicant has referred in their Design and Access Statement, there are other policy considerations such as Policy PD3 (Biodiversity and the Natural Environment), Policy PD6 (Trees, Hedgerows and Woodlands), Policy PD7 (Climate Change), Policy PD8 (Flood Risk Management and Water Supply), Policy PD9 (Pollution Control and Unstable Land) and Policy HC21 (Car Parking Standards) which will also be considered in the assessment below.

Planning Policy Justification and Impact on the Character and Appearance of the Area

7.18 The principal policy for consideration is Policy EC9 (Holiday Chalets, Caravan and Campsite Developments) given the nature of the development proposed. This advises that such development will be permitted where it addresses all the following criteria.

- 7.19 a) *the development would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape;*

In this respect, the development is set away from the existing buildings at the property and is prominent, and is likely to remain prominent, despite proposed and recently planted

screening that will take time to develop, being that it is in such close proximity to the public footpath.

- 7.20 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;*

The siting of the chalet is close to a public footpath to the east of the site and, despite planting which has been put in, this will take time to establish and it is not considered, in such proximity, that the chalet will be capable of being screened throughout the year.

- 7.21 c) *any on-site facilities are of a scale appropriate to the location and to the site itself;*

As advised above, the chalet is set away from existing buildings on the wider site and would be of a form, design and materials that would not reflect on the existing, modern 'utilitarian/agricultural' buildings on the site which have been converted. This could be addressed in part with the use of materials to reflect upon those of the existing buildings, but the positioning of the chalet is such that it appears divorced from the group and unrelated in its proposed character and appearance.

- 7.22 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;*

The chalet is sited in a location that has immediate and direct access onto the public footpath network. However, access to the property would be likely to be by car, and access to public transport would be limited in this isolated rural location and some distance away from the nearest sustainable settlement.

- 7.23 e) *the development would not adversely affect the amenity, tranquillity or public enjoyment of any adjacent area.*

There would be no harm to general amenity associated with other properties given the isolated location of the application site. However, the siting of the chalet is such that it would appear more intrusive than if it had been located where the caravan was previously located and adjacent to existing buildings, where the chalet would have been viewed contextually with that development. In addition, the decking structure creates a clear sense of domestication to the chalet's setting, in that the development could not be construed as having a more befitting utilitarian/agricultural appearance. It is appreciated that the applicant has advised that the decking is required to allow level access to the chalet, and that it can be treated in a dark colour. However, this does not alleviate the concern with regard to the visual impact that the chalet development would have in such a location.

- 7.24 The chalet is sited such that it provides a further intervention into views of the landscape, particularly down to the watercourse which is an attractive feature in views from the public footpath. To this end, the proposals are considered to be contrary to the aims of Policy EC9 and, in similar regard, also be contrary to the aims of Policy S1, S4 and PD1, which seek to achieve appropriate design and Policy PD5 which seeks to protect and enhance the landscape character of the Plan area.

- 7.25 In addition, the chalet and its raised deck setting, are considered at odds with the existing development, and contextually with the former mill which, whilst not a listed building or within a Conservation Area, is nevertheless a non-designated heritage asset. To this end, it is considered that the development fails to meet the aims of Policy PD2, which seeks to conserve such heritage assets and their setting where they contribute positively to the

environment, which the former mill certainly does, and it is recognised that the applicant has played an important role in conserving such.

Highway Matters

- 7.26 The Local Highway Authority has considered the application and have advised that, given the current use of the caravan, it is not considered that the holiday let use will result in any significant impact on existing highway conditions. However, the Local Highway Authority has failed to appreciate that the caravan is not a lawful development on the site. Nevertheless, given the extent of the accommodation provided, it is not considered that the additional comings and goings, likely associated with a single vehicle, will constitute a significant impact to highway safety.
- 7.27 In terms of parking provision, the site has an extensive area of hardstanding and it is considered that a parking space can be provided to facilitate for visitors to the accommodation.

Public Rights of Way

- 7.28 Atlow Public Footpath No. 3 runs northeast to southwest to the east of the application site. There are no objections from the Public Rights of Way Team at Derbyshire County Council, nor the Peak and Northern Footpaths Society and Derbyshire Dales Ramblers, as the route will be ultimately unaffected by the proposed works.

Impact on Trees

- 7.29 The site is close to a woodland along the watercourse. However, it is not considered that the development has impacted significantly on trees and hedgerow and that the retention of the development would not pose significant pressure for the felling of trees, given that the proposal is for holiday accommodation and not a permanent dwelling and the wooded landscape to the west contributing to the ambience of the accommodation. In this respect, the proposals are considered to accord with Policy PD6 of the Adopted Local Plan (2017).

Climate Change

- 7.30 In the submission, the applicant has not specifically referred to Policy PD7 (Climate Change) of the Adopted Local Plan (2017) or the District Council's Climate Change Supplementary Planning Document. Nevertheless, in terms of the Policy, the development is the sustainable re-purposing of the static caravan, which is proposed to be clad sustainably in timber, set on a timber deck and is proposed to be insulated to make the chalet more thermally efficient than the static caravan was previously. Notwithstanding the above, further measures could be considered, such as rainwater harvesting and/or ground or air source heat pumps, to serve to reduce the carbon footprint of the development. The additional planting proposed would also serve to offset the development's carbon footprint.

Drainage

- 7.31 With regard to Policy PD8 (Flood Risk Management and Water Quality) of the Adopted Derbyshire Dales Local Plan (2017), the Environment Agency has advised that have no fluvial flood risk objections to the proposals. The applicant has provided no details of how surface or foul water drainage have, or will be, provided for. Given the proximity to the watercourse, it is expected that surface water would ultimately find its way down to it off the embankment. Nevertheless, the chalet would need to be compliant with the requirements of Building Regulations with respect to appropriate foul and surface water drainage provision.

Land Stability

7.32 The development has been commenced on a sloping site and therefore Policy PD9 (Pollution Control and Unstable Land) of the Adopted Local Plan (2017) has relevance. To this end, the applicant has provided no details of whether the development has been constructed to Building Regulations requirements. Nevertheless, the chalet would need to be compliant with such if it is to be used for accommodation.

Impact on Wildlife

7.33 It is unclear what impact the development may have had on wildlife. It is considered that any approved completion of the development would have no adverse effects. In addition, given the raised deck structure, and additional landscaping proposed, there would appear to be some potential for biodiversity and habitat enhancement. Derbyshire Wildlife Trust (DWT) has assessed the application and advise that, based on the proposals and the information submitted, it is considered that the development has low impact and unlikely to have a substantive adverse effect on biodiversity. In addition, DWT welcome the proposed wildflower, hedgerow and tree planting and, providing native species are chosen, the site is likely to secure a net gain for biodiversity, in line with the objectives listed within the National Planning Policy Framework (2023).

7.34 DWT advise that a lighting condition should be secured, if new lighting is proposed to be installed in order to safeguard the nearby bat roost and reduce light pollution on the nearby brook. As such, it is considered that the development is generally in accordance with the aims of Policies PD3 (Biodiversity and the Natural Environment) and PD6 (Trees, Hedgerows and Woodland) of the Adopted Local Plan (2017).

Impact on Archaeology

7.35 Concern has been raised by the Development Control Archaeologist that the development lies over three heritage assets recorded on the Derbyshire HER, and is at the juncture of extant medieval earthworks (MDR15759) in the form of ridge and furrow cultivation platforms to the east and parts of the Parkside Brook Medieval Deer Park (MDR14232) to the west. The access road within the proposed application area also crosses part of the late 18th century corn mill complex (MDR8567) and there is a clear rectangular depression close by to the north-west of the proposal area, which lies beneath medieval earthworks. It is also advised that there are potential for impacts to archaeological deposits of medieval or earlier date to be occasioned by this application and archaeological works, in the form of archaeological monitoring of ground reduction, should be undertaken.

7.36 However, the application is predominantly retrospective (i.e. all ground works have already undertaken and the applicant's agent advises that any kind of watching brief, or similar, would be superfluous in this case and unnecessary from a planning condition test perspective. It is advised by the applicant's agent that there has likely been minimal disturbance to archaeology for the following reasons:

- *the caravan has no foundations as such*
- *there has been some levelling and retaining of ground, but the area in question is at the very bottom of a steep slope near the brook and likely to have been too steep to have been ploughed historically*
- *the red line along the access drive next to the old mill was drawn only for means of showing a link to the public highway and the access drive has been in situ for many decades and no new works are proposed or have been carried out recently to it.*

7.37 To this end, it is considered that, whilst there is concern with regard to impact on

archaeology, that any which existed would have been lost/impacted upon by the development which has been undertaken. It may also be the case that, given the remoteness of the site from the former mill, and the nature of the sloping land down to the watercourse, that such archaeology may have been less likely, albeit this does not exonerate the development being undertaken without such analysis.

Conclusion

- 7.38 It is clear that the chalet would add to the holiday accommodation available at the property and in its design and form would provide level access to accommodation suitable for persons with mobility difficulties, which is a benefit to the District's wider tourism accommodation provision and opportunity to visit the area. There would be some benefit associated with bringing income into the area and there would be a certain amount of employment associated with managing the facility. It is also appreciated that there is local support for the development and no objections from the Parish Council and bodies associated with the footpath network.
- 7.39 However, there is clearly a planning policy presumption against new build tourism development in unsustainable rural locations, away from settlements or not having means of accessing them through public transport. To this end, the site, whilst already having holiday accommodation through the more sustainable conversion of existing buildings, is nevertheless in an unsustainable location. It could be argued that there is a case that the static caravan was lawful development when located in its former position nearer to the buildings; that may well have been the case and, given the appearance of the caravan, a case could have been made that this could have been clad to improve its appearance if it was deemed lawful development and the relevant planning permission sought.
- 7.40 However, the static caravan has now moved and its siting is no longer lawful. In addition, the extent of works undertaken for the re-siting of the caravan, including the engineered underbuild, extensive decking structure, the associated fencing that will be required for safety reasons and the form and appearance of the proposed chalet itself, are considered harmful in the historic landscape.
- 7.41 Whilst some amendments may be possible to improve the appearance of the building, and the structure on which it sits, in terms of using cladding materials to reflect those on the existing relatively modern buildings, planting to screen the decking to the west side and landscaping to screen/soften views of the development when viewed from the public footpath to the east, the development would nevertheless remain an unwarranted and harmful intervention in the landscape in terms of how the area would have been viewed prior to the development commencing. Whilst it may be possible to screen the development over time, this is not considered a reasonable justification for retaining an inherently intrusive development that will remain apparent as an encroachment into what is otherwise an attractive setting to the mill complex and its affiliated natural and man-made landscape features.
- 7.42 It is appreciated that if the development was required to be removed, in accordance with the requirements of the enforcement notice, as set out in Section 2 of this report, the applicant could nevertheless plant trees on this land without the need for planning permission and, in doing so, prevent a view across the property and the historic landscape in any event. Nevertheless, whilst it is appreciated that the development would provide some benefit to the provision of tourist accommodation in the District, it is recommended that planning permission be refused given the unsustainable location of the development and the impact that this has on, and would continue to have on, the character and appearance of the historic landscape.

8. RECOMMENDATION

That planning permission be refused for the following reasons:

1. The holiday accommodation would be in an isolated rural location where access to and from it will be heavily reliant on the private car and would therein constitute an unsustainable development. As such, the development is contrary to the aims of Policies S1, S4, S9, HC19 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).
2. The chalet, decking and the associated engineering works are encroaching and intrusive in the setting of Atlow Mill, a non-designated heritage asset, and harmful to the character and appearance of the open countryside. As such, the development is contrary to the aims of Policies S1, S4, S9, PD1, PD2, PD5, EC8 and EC9 of the Adopted Derbyshire Dales Local Plan (2017).

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:

Drawing Nos. 4598 – 001, 004, 005, 006 and 007 received on 18th October 2023
Design and Access Statement received on 18th October 2023.