



Appeal Decision

Site visit made on 30 October 2023

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2023

Appeal Ref: APP/P1045/W/23/3316401

Scarthin Books Of Cromford, Scarthin, Cromford, Derbyshire DE4 3QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr David Mitchell against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00678/FUL, was undated and was refused by notice dated 10 August 2022.
 - The development proposed is installation of eight all-black solar panels on the south facing roof of the bookshop.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issues are:
 - the effect of the proposal on the character and appearance of the appeal building and the area having particular regard to the Cromford Conservation Area and the setting of the grade II listed war memorial; and
 - whether the development would safeguard the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site.

Reasons

Significance

4. Cromford Conservation Area (CA) covers a large area of Cromford. It encompasses the original planned Arkwright settlement constructed between 1770 and 1840 with common building materials within a landscaped setting of dramatic topography providing an early model of an industrial community.
5. The topography means that houses and buildings are at different levels, constructed predominantly from stone with slate/tile roofs. Much of the original planned settlement remains with many of the buildings and the fine Cromford Mills being listed and noted for their unique contribution to the development of the factory system. Consequently the Mills are key buildings within the Derwent Valley Mills World Heritage Site (WHS) within which Cromford sits. Later

- development has mostly been respectful of the earlier buildings and form an integral part of the historic environment within the CA and the WHS reflecting the evolution of the built form over time.
6. For the purposes of this appeal the significance of the CA largely derives from the historic and architectural interest of the buildings, many of which retain their original form and materials. In addition, their relationship to the landscape and the contribution to an understanding of the evolution of industrial, commercial and domestic architecture.
 7. The significance of the WHS largely derives from the contribution the buildings make to the historic and architectural understanding of industrial development over time and their relationship to the surrounding built form and landscape.
 8. Although not mentioned in its reason for refusal the Council refers to the effect of the proposal on the setting of the War Memorial in its officer report. Furthermore, it is my duty under the Act to assess the effect of the proposal on heritage assets. The Scarthin War Memorial stands on Promenade within both the CA and WHS and has historic interest as a witness to the impact of world events on the community. It also has architectural interest as a well-proportioned pillar bearing an elegant lamp standard within the WHS.
 9. The significance of the War Memorial for the purposes of this appeal lies in its historic and architectural importance in the local community. It is located with an open area between a large pond and the properties on Scarthin. The seated open area provides a pleasant space to appreciate the War Memorial. Hence it is particularly visible in views along Scarthin and from Water Lane, with the built form, including the appeal building, in the background contributing to its significance.
 10. The appeal site forms a mid-nineteenth century three storey stone building with a slate roof on the north side of Scarthin at the back edge of the footway. It retains a traditional shop front and fenestration to its front elevation. It sits within a row of historic and modern buildings. Narrow footways between the buildings provide access up to development at the rear on the valley side. The scale and location of the appeal building means that it is prominent both along Scarthin and in views across the pond from Water Lane and it is identified in the Cromford Conservation Area Appraisal (2000) as a landmark building. While it dates from after the Arkwright planned settlement, its location and simple traditional form and materials contribute positively to the significance of the CA, the WHS and the War Memorial which it is sited slightly to the west of.

Effect on significance

11. According to the submitted plan, the proposed solar panels would be installed on the southern facing roof slope facing Scarthin. Although sited to maintain symmetry, they would extend across almost the entire width of the roof slope, just beneath three existing small roof lights, therefore covering the majority of the existing simple slate roof. Although the solar panels would be black, they would still create a visible large obtrusive mass on the roof which would detract from, and obscure, the simple historic slate roof, creating a top heavy form of development which would be harmful to the traditional appearance of the appeal building. The panels would be a prominent feature in an area of hillside properties, which are mostly otherwise unadorned reflecting the simple traditional form characteristic of buildings in this location.

12. I did see at my site visit that one of the properties to the rear had solar panels on its roof. However, the Council advise that there is no record of planning permission for those panels. Furthermore, their presence reinforced my view that the proposal would be particularly visually prominent in the streetscene and from views across from Water Lane.
13. Consequently, the proposal would harm the character and appearance, hence significance of the CA within the WHS and the significance of the War Memorial through harming its setting.
14. Given that this is just one part of the CA and the WHS and the setting of the War Memorial then the harm caused would be less than substantial but nevertheless of considerable importance and weight. As required by paragraph 202 of the National Planning Policy Framework (the Framework) where development would 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.
15. The proposal to use solar panels would contribute positively to the Government's aim of supporting the transition to a low carbon future in a changing climate. Indeed, the photovoltaic output would correspond well to the opening hours of the shop and would cover 10-20% of electric requirement in the winter and 30-40% in the summer months. I give this benefit significant weight.
16. The appellant refers to the alternative of placing the solar panels on what they consider to be the less prominent east and west facing slopes. This they say would be less energy and cost efficient than on the south facing slope and, in any case, they confirm that they would plan to do this as well as on the south facing slope in order to maximise the solar panel potential of the building. In any event, I have determined the appeal based on the proposal before me for panels to the south facing slope only.
17. While significant therefore, the benefits would not be sufficient to outweigh the harm I have found to the heritage assets whether balanced on an individual basis or cumulatively.
18. For the reasons above, I conclude that the proposal would therefore fail to preserve the character or appearance of the Cromford Conservation Area, nor would it safeguard the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. Finally it would harm the setting of the War Memorial a Grade II listed building. It would therefore be contrary to policies PD1, PD2 and PD7 of the Adopted Derbyshire Dales Local Plan (2017) (the Local Plan), and the Framework. These support the generation of energy from renewable sources as long as it would not have significant impacts and require that development is of high quality design which respects the character, identity and context of the townscape as well as conserving heritage assets in a manner appropriate to their significance.
19. The Council also refer to the Climate Change Supplementary Planning Document (2021). However it is not clear from the submissions how the proposal conflicts with this policy and guidance. I have not therefore included reference to it.

Conclusion

20. Overall, I have identified that there would be conflict with the development plan as a whole, as there would be less than substantial harm to the significance of heritage assets which is not outweighed by public benefits. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan.

Zoe Raygen

INSPECTOR