



Appeal Decision

Site visit made on 27 September 2023

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2023

Appeal Ref: APP/P1045/W/23/3317912

Former Rhododendron Nursery, Land North of Chesterfield Road, Matlock, Derbyshire, Easting: 432209, Northing: 362302

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Daly against the decision of Derbyshire Dales District Council.
 - The application Ref 22/00489/FUL, dated 26 April 2022, was refused by notice dated 7 September 2022.
 - The development proposed is change of use to C3 dwellinghouse including dual-pitched roof and small extensions.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of agricultural building to dwellinghouse with proposed new dual-pitched roof and extensions at former Rhododendron Nursery, Land North of Chesterfield Road, Matlock, Derbyshire, Easting: 432209, Northing: 362302, in accordance with the terms of the application, Ref 22/00489/FUL, dated 26 April 2022, subject to the conditions set out in the attached schedule to this decision.

Preliminary Matters

2. The site address details on the planning application form do not include Derbyshire, whereas the Council's decision notice and the appeal form do, so I have included it in the above banner heading.
3. The description above is taken from the application form. However, the Council has described it on the decision notice as "Change of use of agricultural building to dwellinghouse with proposed new dual-pitched roof and extensions." The revised description is a more precise and clear description. Therefore, I have determined the appeal on this basis notwithstanding the description in the banner heading.
4. In September 2023 the Government published a revised National Planning Policy Framework (the Framework). Those parts of the Framework most relevant to this appeal have not been amended. As a result, there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

5. The effect of the proposal on the character and appearance of the host building and surrounding area.

Reasons

6. The appeal site is located within the open countryside, adjacent to a wooded area of trees. The site is occupied by a dilapidated agricultural stone barn, with a corrugated sheet roof. It is accessed off the A632 Chesterfield Road via an unmade, overgrown track.
7. The proposed development seeks to convert the dilapidated building into a modest 2-bed residential dwelling and includes a new dual pitch roof and a single storey side extension. A garden area, along with a parking area for two vehicles would be located to the front of the building, which would be served by a gravel driveway leading to the road.
8. The parties have drawn my attention to a conditional planning permission for the change of use of the building to a residential dwelling, including the addition of a pitched roof, reference 22/01277/FUL. The Council set out that the approved scheme omits extensions to the building, and the alterations to the building relate solely to the introduction of a dual pitch roof and minor alterations to openings within the building. I have not been provided with the approved plans or the formal decision notice. Nonetheless, it is clear from the Council's case that its concerns with the proposed development are the effect of the proposed single storey side extension on the character and appearance of the area and host building.
9. Policies S4, PD1 and PD5 of the Derbyshire Dales Local Plan 7 December 2017 (Local Plan) seek, amongst other things, development that is of a high quality design that would not harm or be detrimental to the character of the local and wider landscape or the setting. Policy HC8 of the Local Plan states, amongst other things, that conversion and/or reuse of existing buildings to residential use from other uses would be permitted where the building can be converted without extensive alterations, rebuilding or extension; and it would not have a detrimental impact upon the character and appearance of the building or group of buildings and its surroundings. In addition, The Conversion of Farm Buildings Supplementary Planning Document 2019 (SPD), sets out, amongst other things, that extensions to farm buildings should be subservient and the original farm building must always remain the dominant element.
10. The proposed conversion works, and introduction of a new dual pitch roof would change the appearance of the existing building markedly and would elevate its appearance within the surrounding area. However, there would still only be occasional glimpses of the building from any main vantage points due to the topography of the landscape, its position, scale, and screening from vegetation.
11. The proposed single storey extension would project to the side of the main building and would have stone dwarf walls with the upper elevations and roof covering, being constructed using a "Corten" steel facing material. It would be of a modest size and height, with a lower ridge height than the main building. Therefore, the proposed extension would have a subordinate appearance in relation to the main building to be converted.
12. The extension has been deliberately designed to have a contrasting, contemporary appearance to the main building, which along with its subordinate design, would ensure that it would not overwhelm the appearance of the main building or the site. Its contemporary design and rustic style would

achieve a high quality and sympathetic design, as opposed to it appearing as a domestic extension. Therefore, the resulting development would appear as a converted agricultural building. Furthermore, the setting of the proposed development, with its secluded position in the rural landscape, the backdrop of trees, with minimal views from any public vantage points, would ensure that it assimilates well within the landscape. Accordingly, it would not be incongruous within the landscape.

13. For the reasons outlined above, the proposed development would not be harmful to the character and appearance of the host building or the surrounding area. Therefore, the proposal would accord with policies S4, PD1, PD5 and HC8 of the Local Plan and the principles set out in the SPD.

Conditions

14. I have had regard to conditions suggested by the Council, as well as to the Framework and national Planning Practice Guidance (PPG). In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure that the appearance of the development is satisfactory, a condition is imposed to require samples of the external materials to be approved.
15. I have also attached the two conditions suggested by the Council relating to a lighting strategy and the installation of a bat box. I consider that the suggested conditions to be reasonable and necessary in the interest of safeguarding wildlife and the natural environment. The conditions largely reflect those suggested by the Council but for clarity and precision purposes, I have made minor changes, where necessary, to ensure that suitable details are submitted for approval before they are installed on site.
16. I have not imposed the Council's suggested condition on removing permitted development rights. In accordance with the PPG and the Framework, planning conditions should not be used to restrict national permitted development rights unless there is clear justification. In accordance with the PPG, they would not be reasonable or necessary and there is no clear justification for doing so.

Conclusion

17. The proposed development would accord with the development plan, and there are no material considerations to lead me to determine the appeal other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal is allowed.

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, numbered: 3488-001; 3488-003; 3488-005.
- 3) Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before works commence on the facing walls or roof of the development hereby permitted. The development shall thereafter be constructed in accordance with the approved details.
- 4) Prior to the installation of any new lighting on the site, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include measures to safeguard nocturnal wildlife, including bats. The development shall thereafter proceed in accordance with the approved details.
- 5) Prior to the occupation of the development hereby permitted, full specification details of a bat box, including its location within the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.