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For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk)

28 February 2022

To: All Councillors

As a Member or Substitute of the **Planning Committee**, please treat this as your summons to attend a meeting on **Tuesday, 8 March 2022 at 6.00pm** in the **Council Chamber, Town Hall, Matlock DE4 3NN**.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'James McLaughlin'.

James McLaughlin  
Director of Corporate Services & Customer Services

## AGENDA

**SITE VISITS:** Attached to the agenda is a list of sites the committee will visit (**by coach**) on **Monday 7 March 2022**. A presentation with photographs and diagrams will be available at the meeting for all applications including those visited by the committee.

### 1. APOLOGIES/SUBSTITUTES

Please advise the Committee Team on 01629 761133 or e-mail: [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence and substitute arrangements.

### 2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

8 February 2022

### 3. INTERESTS

Councillors are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those Interests are matters that relate to money or that which can be valued in money, affecting the Councillor, her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

#### 4. PUBLIC PARTICIPATION

To provide members of the public **who have given prior notice** (by no later than 12 Noon on the working day prior to the meeting) with the opportunity to express views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed. Details of the Council's Scheme are reproduced overleaf. To register to speak on-line, please click here [www.derbyshiredales.gov.uk/attendameeting](http://www.derbyshiredales.gov.uk/attendameeting). Alternatively email: [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) or telephone 01629 761133.

#### 5. APPLICATIONS FOR DETERMINATION

Please note that for the following items, references to financial, legal and environmental considerations and equal opportunities and disability issues will be embodied within the text of the report, where applicable.

	<b>Page No.</b>
<b>5.1 APPLICATION NO. 21/01485/FUL (Site Visit and Presentation)</b>	<b>06 - 09</b>
Single storey extension at The Lodge, Farley Hill, Matlock, Derbyshire, DE4 3LL.	
<b>5.2 APPLICATION NO. 21/01352/FUL (Site Visit and Presentation)</b>	<b>10 - 36</b>
Erection of storage building (B8 Use) with parking area and vehicular access at Land To The East Of Gold Close, Darley Bridge.	
<b>5.3 APPLICATION NO. 21/01283/FUL (Site Visit and Presentation)</b>	<b>37 - 52</b>
Change of use from hotel (C1 Use) to children's residential education and adventure centre at Willersley Castle Hotel, Mill Road, Cromford.	
<b>5.4 APPLICATION NO. 21/01521/FUL (Site Visit and Presentation)</b>	<b>53 - 64</b>
Replacement windows and erection of detached garage at Buxton House, Main Street, Kirk Ireton, Derbyshire, DE6 3JP.	
<b>5.5 APPLICATION NO. 21/01474/FUL (Site Visit and Presentation)</b>	<b>65 - 70</b>
Two storey side extension at 1 Pine Croft, Ashbourne.	
<b>6. INFORMATION ON ACTIVE AND CLOSED ENFORCEMENT INVESTIGATIONS</b>	<b>71 - 80</b>
<b>7. APPEALS PROGRESS REPORT</b>	<b>81 - 94</b>
To consider a status report on appeals made to the Planning Inspectorate.	

## **Members of the Committee:**

Councillors Jason Atkin (Chairman), Richard Fitzherbert (Vice Chairman)

Robert Archer, Sue Bull, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Clare Gamble, Stuart Lees, Peter O'Brien, Garry Purdy and Peter Slack.

## **Nominated Substitute Members:**

Jacqueline Allison, Paul Cruise, Helen Froggatt, Chris Furness, Andrew Statham and Colin Swindell.

## **SITE VISITS**

Members are asked to convene outside Reception, at the front entrance of the Town Hall, Matlock at **09.50am prompt** on **Monday 7 March 2022**, before leaving (**by coach**) at 10:00am to visit the following sites.

	<b>Page No.</b>
<b>10:10am APPLICATION NO. 21/01485/FUL</b> <b>The Lodge, Farley Hill, Matlock.</b>	<b>06 - 09</b>
<b>10:40am APPLICATION NO. 21/01352/FUL</b> <b>Land East of Gold Close, Darley Bridge.</b>	<b>10 - 36</b>
<b>11:15am APPLICATION NO. 21/01283/FUL</b> <b>Willersley Castle Hotel, Mill Road, Cromford.</b>	<b>37 - 52</b>
<b>12:05am APPLICATION NO. 21/01521/FUL</b> <b>Buxton House, Main Street, Kirk Ireton.</b>	<b>53 - 64</b>
<b>12:40pm APPLICATION NO. 21/01474/FUL</b> <b>1 Pine Croft, Ashbourne.</b>	<b>65 - 70</b>

## **COMMITTEE SITE MEETING PROCEDURE**

The purpose of the site meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)
2. A representative of the Town/Parish Council and the applicant (or representative can attend.
3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.
5. Those present will be allowed to point out site features.
6. Those present will be allowed to give factual responses to questions from Members on site features.
7. The site meeting will be made with all those attending remaining together as a single group at all times.
8. The Chairman will terminate the meeting and Members will depart.
9. All persons attending are requested to refrain from smoking during site visits.

## **PUBLIC PARTICIPATION**

Members of the public may make a statement, petition or ask questions relating to planning applications or other agenda items in the non-exempt section of an agenda at meetings of the Planning Committee. The following procedure applies.

- a) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.
- b) Anyone wishing to make representations at a meeting must notify the Committee Section before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.
- c) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that the Committee Clerk can organise the representations and explain the procedure.
- d) Where more than 2 people are making similar representations, the Committee Administrator will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.
- e) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,
- f) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:

Town and Parish Councils	3 minutes
Objectors	3 minutes
Ward Members	5 minutes
Supporters	3 minutes
Agent or Applicant	5 minutes

At the Chairman's discretion, the time limits above may be reduced to keep within the limited one hour per meeting for Public Participation.

- g) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers
- h) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.

<b>APPLICATION NUMBER</b>		21/01485/FUL	
<b>SITE ADDRESS:</b>		The Lodge, Farley Hill, Matlock, Derbyshire, DE4 3LL	
<b>DESCRIPTION OF DEVELOPMENT</b>		Single storey extension.	
<b>CASE OFFICER</b>	Mr. Ecclestone	<b>APPLICANT</b>	Cllr. Statham
<b>PARISH/TOWN</b>	Darley Dale	<b>AGENT</b>	Mr. Alan Yarwood
<b>WARD MEMBER(S)</b>	Cllr. Statham Cllr. Atkin Cllr. Salt	<b>DETERMINATION TARGET</b>	3 <sup>rd</sup> February 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	The applicant is a District Councillor.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To view the proposal in the wider context.

<b>MATERIAL PLANNING ISSUES</b>
Impact on character and appearance of property.

<b>RECOMMENDATION</b>
Planning permission be refused.







relationship to adjacent buildings and incorporating well integrated car parking. Policy PD1 also requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution, or other adverse impacts on local character and amenity.

- 7.2 Policy HC10 of the Adopted Derbyshire Dales Local Plan requires that the plot size is large enough to accommodate the extension without resulting in a cramped or overdeveloped site; and that the height, scale, form and design of the extension is in keeping with the scale and character of the original dwelling and the sites wider setting and location.
- 7.3 The main issues to assess are the impact that the proposal will have on the character and appearance of the main property and also the impact that it will have on the surrounding area.
- 7.4 The lodge and its principal elevation have a distinctive character and are visible in the public view to users of Farley Hill. The proposed extension, being positioned on the principal elevation, will also be conspicuous in the public view. The design, appearance and positioning of the extension are not considered to be in keeping with the traditional character and appearance of the building. Rather, they are considered to have a contrived and irregular appearance, which detracts from the character and appearance of the building and has a detrimental visual impact therefore on the wider locality.

## **8. RECOMMENDATION**

- 8.1 Planning Permission be refused for the following reasons:
- 8.2 The proposal by reason of it's contrived, irregular appearance and positioning, which will be visible from public view will harm the character or appearance of the existing building. As such the proposal is contrary to the requirements of Policies PD1 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

## **9. NOTES TO APPLICANT:**

- 9.1 This Decision Notice relates to the following documents:  
Planning application form and drawings, received by the Council on 9<sup>th</sup> December 2021.
- 9.2 The Council provides a positive and proactive pre-application advice service. Unfortunately however, this was not taken up in this case. The application was therefore considered as submitted and it was 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.

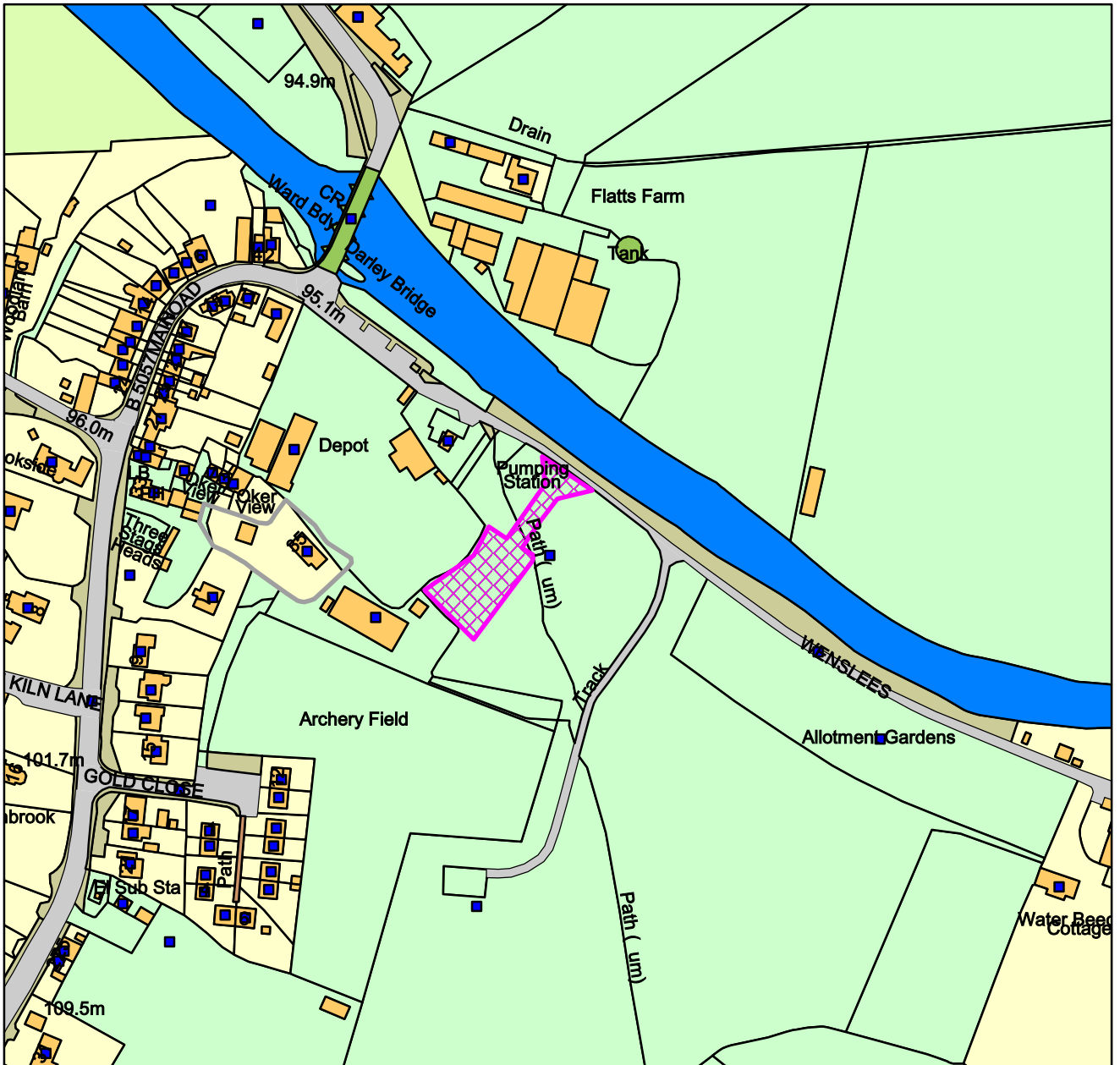
<b>APPLICATION NUMBER</b>		21/01352/FUL	
<b>SITE ADDRESS:</b>		Land To The East Of Gold Close, Darley Bridge	
<b>DESCRIPTION OF DEVELOPMENT</b>		Erection of storage building (B8 Use) with parking area and vehicular access	
<b>CASE OFFICER</b>	Mr. G. A. Griffiths	<b>APPLICANT</b>	Rapid Horizon Ltd
<b>PARISH</b>	South Darley	<b>AGENT</b>	Emerald Architectural Design Ltd
<b>WARD MEMBERS</b>	Cllr. C. Swindell	<b>DETERMINATION TARGET</b>	11 <sup>th</sup> February 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	More than 5 unresolved objections received.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To assess the building in the countryside and in the context of the village

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>• Principle of the development</li> <li>• Impact on the character and appearance of the area</li> <li>• Highway matters</li> <li>• Public rights of way</li> <li>• Impact on residential amenity</li> <li>• Impact on other users of the River Derwent</li> <li>• Flooding and drainage</li> <li>• Biodiversity</li> <li>• Climate change</li> </ul>

<b>RECOMMENDATION</b>
Approval with conditions

21/01352/FUL

Land to the East of Gold Close, Darley Bridge



Derbyshire Dales DC

1:2,500

Date: 23/02/2022

100019785

Crown Copyright and database rights (2018) Ordnance Survey (100019785)  
Derbyshire Dales District Council,  
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.  
Telephone: (01629) 761100.  
website :www.derbyshiredales.gov.uk

# 1. THE SITE AND SURROUNDINGS

1.1 The site is within a field to the south of Wenslees lane and the River Derwent. There is a haulage company site and an archery clubhouse to the west and allotments to the east of the field within which the application site is located. Between the allotments and the application site an access has been formed to allow access to a stable block (planning permission ref: 17/01206/FUL). The site is bounded to the south and west by trees/hedgerow and by a post and wire fence to the north which abuts Wenslees lane. Beyond this lies the River Derwent.



## 2. DETAILS OF THE APPLICATION

- 2.1 The proposal is for the construction of a storage building to form the operating base for a canoe water sport activity company, including other facilities for customers and external car parking. It is advised that the company currently uses the site for temporary car parking and that this is ideally located within 50 metre access to the river to set sail. Wenslees lane would be some 107m away from the building and some 76m from its car parking area. The building is proposed to measure 9m wide by 15.8m deep and 5.4m high (3.55m high to the eaves) and to be similar in style, colour and level to the neighbouring archery club building that was passed in 2014. The materials proposed are juniper green steel box profile cladding sheets on a steel portal frame and the building would be set back against a mature corner of hedgerow/trees.
- 2.2 Six rooflights (three on each roofslope) are proposed to provide light into the building. The building is proposed to be used largely for storage but would also include safe lockers and storage and there would be separate men and women's showers and wc facilities. The applicant it is intended that there will be a solar panel array to the roof for the building to provide green energy for the building.
- 2.3 The access driveway and parking area are proposed to be constructed using porous stone material - limestone chippings. The applicant is of the view that it will take the appearance of an agricultural building and so fit in appropriately with the immediate setting, against the backdrop of the haulage yard and archery clubhouse. A post and rail fence is proposed around the car parking area and immediate area of the building except to the northern and western sides which are bounded by hedgerow.
- 2.4 The applicant advises that the company was created in 2015 and has always operated in the area. The business has grown over the last few years following the Covid pandemic, with more tourists carrying out staycations in the UK and the businesses wide water sports offering has been well supported by locals and visitors to the Peak District. The business also offers team building events to businesses in the area. The applicant advises that the application has been submitted for the following reasons:
- To secure the future of business - the company has recently had its lease on storage units 2 miles from this location at a farm in Wensley cancelled so has needed to secure urgent alternative short-term storage in an inconvenient location which isn't sustainable for the business. This will reduce road vehicles movements and pollutants.
  - Storage of water sports equipment - bulky items which are difficult to store safely. These include rafts, kayaks, canoes, tubes, life jackets, wet suits, helmets, paddles, trailers and a minibus used to collect clients and equipment from Matlock Bath.
  - Operate more efficiently with less unnecessary travel - to sustainably run the business the applicants want to create a permanent base at the sailing point meaning less travel to alternative storage locations.
  - Offer improved facilities to customers - the building will allow the business to offer welfare facilities to customers including those with disabilities before and after the activities; this is the feedback on improvements from existing customers.
  - Offer improved services - allow the business to better offer educational, coaching and training facilities; this is the feedback on improvements from existing customers.
  - Improve sports and health offering provision to local visitors.
  - To allow visitors arriving by bus, foot or bike to leave valuables in secure storage building while on the water.
  - The parking area and turning space will allow customers to arrive parking next to the storage building therefore not taking the limited parking spaces on Wenslees lane that are used by residents and their visitors who live on Main Road

- 2.5 The applicant advises that the building will allow the company to offer excellent high standard experience to the visitors and will create a unique asset to the Derbyshire Dales while increasing employment opportunities. The proposed storage building will be in the optimum area for water sports and there are no readily available alternatives the company could use.
- 2.6 The applicant advises that the usual operating hours would be 10am – 4pm in the summer, operating daily in the summer months and less so in other seasons. The applicant advises that there will be no noise associated with this use so no impact on any neighbouring properties.
- 2.7 The applicant has submitted a Flood Risk Assessment. This notes that overall area of the site is 500m<sup>2</sup> and the proposed impermeable area equates to 150m<sup>2</sup> (0.015ha). The site is identified as being in Flood Zone 2; this is land that has between a 1 in 100 and a 1 in 1000 annual probability of river flooding. In this regard, less vulnerable development can be provided in such locations. This includes such development as shops, general industry, storage and distribution, assembly and leisure. In this regard, the use proposed for the building is considered to be within this less vulnerable category of development. The proposed unit and parking spaces are also not within 8.0m of any flood defence. The applicant's consultant concludes that, whilst a sequential test was undertaken, as the site is classed as 'less vulnerable' it was deemed that the exception test was not required. Nevertheless, the site is at risk of flood and, therefore, it is recommended that flood mitigation measures should be employed.
- 2.8 In terms of surface water, discharge would be at a controlled rate with on-site attenuation in the form of oversized pipes or cellular storage. The applicant's consultant advises that consideration should be given to the use of rainwater harvesting, rain gardens and the planting of trees and shrubs. It is also advised that all private surface water and surface water/foul water drainage should be designed in accordance with the current Building Regulations Part H. The site is currently greenfield and therefore greenfield rates should be adopted to the proposed development. It is proposed to discharge the surface water to the existing drainage network adjacent the site that discharges to the river, this will be subject to a legal agreement with Severn Trent Water.
- 2.9 With regard to foul water drainage, the applicant's consultant advises that there are existing manholes in the vicinity of the site and running along the boundary and that consultation has been undertaken with Severn Trent Water. Given the above, the applicant's consultant considers the Flood Risk Assessment and drainage strategy confirms that the proposed development is appropriate and sustainable in the terms as set out in National Planning Policy Framework (NPPF).
- 2.10 The applicant has submitted additional information in response to the representations of objectors to the planning application as set out in the consideration of the application in the Issues section of this report below. With regard to the description of the application, this was changed by the Council's Planning Office, the application submitted described this location as land off Wenslees, as does the planning application form.
- 2.11 The applicant believes this a progressive yet considerate planning application that offers a practical solution to several issues. The main objective is to offer a storage and parking solution, allow the company to operate more efficiently while introducing a premises that will enhance the tourist provision in the District. The application will also help maintain locals in good employment, both directly through working for Rapid Horizons (RH) and indirectly, as customers will sometimes eat, drink, stay over and visit other local businesses/attractions which is a positive to the Derbyshire Dales economy.

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

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
- S1 Sustainable Development Principles
  - S2 Settlement Hierarchy
  - S4 Development in the Countryside
  - S7 Matlock/Wirksworth/Darley Dale Development Area Strategy
  - PD1 Design and Place Making
  - PD3 Biodiversity and the Natural Environment
  - PD5 Landscape Character
  - PD6 Trees, Hedgerows and Woodlands
  - PD7 Climate Change
  - PD8 Flood Risk Management and Water Quality
  - PD9 Pollution Control and Unstable Land
  - HC17 Promoting Sport, Leisure and Recreation
  - HC19 Accessibility and Transport
  - HC21 Car Parking Standards
  - EC1 New Employment Development
  - EC8 Promoting Peak District Tourism and Culture
- 3.2 Derbyshire Dales District Council Climate Change Supplementary Planning Document (2021)
- 3.3 National Planning Policy Framework
- 3.4 National Planning Practice Guidance

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

- 4.1 17/01206/FUL - Formation of access and erection of stable block - Granted

### **5. CONSULTATION RESPONSES**

#### Parish Council

- 5.1
- object
  - have been lobbied by local residents opposed to this development and there is likely to be very strong local opposition
  - building would be on a greenfield site, outside the settlement boundary defined in the 2017 Local Plan - as it would not be a building for agricultural purposes, it should not be permitted in this location
  - already a large building has been built nearby in this field, ostensibly for agricultural purposes, but so far unused
  - would create an unfortunate precedent, if this building were permitted on this greenfield site which is much valued by the locals
  - proposed site is low lying, close to the River Derwent and is frequently waterlogged and this part of the field often floods - during the flood event of February 2021 the river did not quite overtop the roadway, but the field flooded due to water pouring the wrong way up a drain, forming a fountain close to the proposed site of the building
  - suggestion that the chance of this site flooding in any one year as between 1/100 and 1/1000, as claimed in the submitted Flood Risk Assessment, is clearly incorrect and the site is unsuitable for development

- Wenslees is a narrow, single-track lane used forming the only means of access to the eight or so properties along the lane and to the allotments and is also used by the farmer for access to the fields at the end of the lane
- lane is also popular with walkers as a place to park and there is often congestion in the lane due to cars parked on the verge
- proposed development would bring additional traffic to the lane - whilst some would park on the site, where there would be room for up to six vehicles, including the organisation's own vehicles, it is expected that others would park in the lane, increasing congestion
- South Darley Footpath 17 runs diagonally across the field and would cross the track to the water sport activities building and be very close to, or cut by the edge of the parking area - unless an appropriate footpath diversion order were obtained, the development would need to be revised to provide sufficient clearance between the boundary and the footpath.

#### Environment Agency

- 5.2 - site lies within flood zone 2 and therefore the LPA can apply national flood risk standing advice (FRSA) in this instance if necessary
- no other environmental constraints which the EA wish to formally comment upon.

#### Lead Local Flood Authority (Derbyshire County Council)

- 5.3 - no formal comments but would refer applicant to informatives.

#### Local Highway Authority (Derbyshire County Council)

- 5.4 - taking into account the expected vehicle flows and speeds on Wenslees, it is considered that the proposed access serving the proposed building will have no detrimental highway impact
- on site parking and manoeuvring space is considered to be suitable for the scale of the proposed building
  - noted that the location of the proposed building is on the line of a public footpath which runs across the entire application site - the applicant must be made aware that the premises cannot be constructed until the necessary processes have been undertaken to divert the footpath.

#### Peak and Northern Footpaths Society

- 5.5 - is very disappointing that nowhere in the application is the presence of Footpath 17 South Darley mentioned
- looks from the plans as though the NE corner of the site would abut the edge of the legal line of the path - this is not acceptable
  - the edge of the legal width of the path must be at least 2 metres away from the site
  - the new access drive would cross the footpath - the authority of the County Council must be obtained to alter the surface of a public footpath
  - essential that the presence of walkers on the path is clearly visible to vehicle drivers
  - no stiles or gates may be installed where the path crosses the drive.

#### Ramblers Derbyshire Dales Group

- 5.6 - disappointed that no mention is made of the RoW South Darley FP 17 in the D&S
- concerned that the proposed access track will bisect the FP
  - corner of the development appears to either encroach or be too near to the FP line
  - already frequent drainage issues with this FP and this development will most likely exacerbate this problem
  - SD FP 7 is to the SW and should be unaffected at all times
  - PRow's permission must be sought for any changes to the FP surface and/or any fences or gates erected.



## 6. REPRESENTATIONS RECEIVED

6.1 A total of 35 letters of representation have been received objecting to the application. A summary of the representations is outlined below:

### Sustainability

- building location is essentially off-grid and doubt that solar panels alone will provide adequate power to supply space heating in the changing rooms, hot water for the showers and wash basins, general lighting, etc.
- the Design and Access Statement asserts that there would be the benefit of 'reduced vehicle movements' at Darley Bridge and Wenslees by granting planning consent - this notion is difficult to accept given that the current arrangement is for clients to assemble at a public car park near Matlock Bath before being transferred by the applicant's minibus to the craft launch point at Darley Bridge
- under the proposed arrangement, clients (many of whom will most probably arrive by car) will instead travel direct to the new facility, adding to the traffic volume and intensifying vehicle movements at Darley Bridge and Wenslees.

### Impact on character and appearance of the area

- application states that the building will be similar in style to that of the archery club and is therefore 'in keeping' with the surrounding buildings - there are no surrounding buildings visible in the field from Wenslees Lane so the building will not be in keeping with the surroundings
- building is not in keeping with the surrounding buildings; the archery club and most other buildings are not visible from this field and the only other building in the field is the agricultural storage building
- application states that there are no other suitable buildings available for the purpose of storage - there is an unused farm building very close to the proposed building suitable in size and location for storage of equipment and has stood empty since constructed - reasonable to conclude its owner has no intention of grazing animals in the field or storing feed, as was proposed in the planning application
- proposal is for another unnecessary industrial building on agricultural land
- already an access point to the lane, built a couple of years ago to serve an agricultural building which remains unused - this building is suitable for storage of water craft and should be made available for use by this business
- would involve construction of a second new access and, along with the associated activity involving the business and its users and their vehicles, it would be harmful to the character and appearance of this rural location
- RH has just 'taken over' an area of the riverbank that is not suitable and was not intended for commercial use
- development will allow the launching of armadas of large 8 person inflatables and numerous kayaks (as already occurs) which will impact all stretches of the river for several miles downstream of the development
- the building, which has additional facilities to just storage use, would represent additional development in this countryside location which is prone to flooding and adding to the prominent large building already constructed in the field
- application states that there are no other suitable buildings available for the purpose of storage - there is an unused farm building just a few metres from the proposed new building as well as an existing, unused access point on to Wenslees Lane
- this building is suitable in size and location for storage of boating equipment and has stood empty for 2 years - owner clearly has no intention of grazing animals in

the field or storing feed, as was proposed in the original planning application for that building

- proposal is for an unnecessary additional building on an agricultural field.

### Use of building

- title 'Erection of storage building ...' is misleading
- the stated use for the proposed building is 'storage for watercraft' but the plans include toilets, showers and changing rooms - clearly it is not intended solely for use as storage
- design and access statement indicates that it is intended to be the hub site from which the business would operate and it clearly expects to continue expansion in this area to the detriment of local residents
- Planning Category B8 refers to building use for storage or as a distribution centre - this is clearly not intended as a distribution centre or for sole use as storage
- clear from the Design and Access Statement that the intention is for the building to perform a number of broader uses other than solely storage and for it to be the operational hub for the applicant's business activity in the Peak District
- by the pure nature of the applicant's water sport business, suggest that activities involving the inspection, cleaning, maintenance and repair of paddle sport craft and equipment (including washing and drying of wetsuits and buoyance aids) will also be conducted both within and outside the building

### Impact on amenity

- Design and Access Statement states that the business operating from this point will not lead to noise nuisance but residents whose properties abut the river already experience noise and disturbance from canoeists - some have also been rude and aggressive
- Wenslees Lane is a narrow, over used lane suffering damage from the increase in traffic congestion in recent years - often difficult to get to and from our home during the Spring, Summer and early Autumn months because of the intensification of use of the river and division of allotments plots in recent years and inaccurate to describe it as a 'little used'
- proposed opening time until 4pm in the Summer is probably not accurate and will go on into the evening based upon experience
- use of 8 seater inflatables for stag parties, etc and the noise made by the occupants destroys the tranquillity of the river
- has never been any respect shown to residents from either the owner or clients regarding noise as they pass the properties - other organisations do use the water and pass through quietly with minimal disturbance
- RH have been taking four or five groups of 10 or more people down the river every day throughout the Summer months
- business has already had a significantly negative impact on the quality of life of those of us who live in the area. The business owners are solely intent on further detrimental exploitation of the area for their personal profit.
- little evidence of the instructors of RH giving proper instruction in advance of the more challenging water as to how to navigate properly, resulting in screaming and yelling as people crash in to the river banks, capsize and then scramble back in to boats, on the banks in the back gardens of these properties, one after the other, trip after trip throughout the day - has caused immense disturbance to residents at a time of year when should have a right to enjoyment of peace in their gardens
- examples of messages posted on social media by some participants in the paddle sport experience, particularly members of parties on multi-seat inflatable rafts, tend to support witness accounts by local residents relating to noise, and to lack of proper regard for licenced anglers and protection of wildlife along this tranquil reach of the River Derwent leading downstream from Darley Bridge
- in direct confrontation with the angling clubs that also use the river

- owner has been quite hostile in his behaviour to residents in response to polite requests for noise reduction
- fishermen have to pay club fees and rod licence fees for the privilege of using the river for their hobby - they are continually being disturbed by the canoeists and rafters

### Health and safety

- putting anglers at risk when wading due to their users being inexperienced
- participants have little experience and limited control over the watercraft they use
- endangers their health and safety by the sheer number of boats it launches on the river together
- river is too shallow, too narrow and other interests are currently disregarded as being in the way of RH business
- contrary to the impression given by the description in the Design and Access Statement, namely that Wenslees is a 'quiet .... low speed lightly trafficked gated road servicing only the hamlet of Wenslees', risks to the safety of users of the lane are not insignificant
- road closely borders the river, is narrow and with no footpath, and with restricted sight lines at its junction with Main Road where large HGVs cross to enter B. J. Waters transport yard
- this actively used riverside route is popular with walkers, runners, family groups and cyclists, and is shared by agricultural vehicles as well as residents and allotment holders cars - intensification of traffic at this point would further elevate the risk of accidents and harm to pedestrians

### Highway Matters

- need for less traffic and more control of what there is already
- application states that Wenslees Lane is lightly used, serving approximately 5 properties – in fact there are 8 dwellings on Wenslees with 16 permanent residents and vehicular access is required by all residents and, from time to time, involving the emergency services
- lane is in regular use by heavy farm vehicles accessing the agricultural land from which forage is taken and cattle and sheep grazed
- access at the Darley Bridge entrance to the lane is required by B. J. Waters Ltd. vehicles and their staff
- Darley Bridge itself is extremely busy, used by heavy traffic to Enthovens and B.J. Waters vehicles, and any increased traffic would only make the situation worse - there has been one fatality there not that long ago
- road is simply not wide enough to accommodate vehicles with trailers of canoes on a regular basis and visitors cars in large numbers
- whilst the proposed storage is in the field, it facilitates the operation of the business on the riverbank which causes disruption and obstruction to an already congested single track road
- residents access it to use the available parking spaces
- members of the fishing club access the fishing pegs which they pay to use
- intends to put the driveway in the most dangerous place - opposite where the narrowest part of the bank is due to erosion
- the fourteen original allotments have now been divided by the Parish Council into twenty-three individual plots accessed regularly by vehicle
- in addition to RH, several other businesses use Wenslees to access the water for recreational use
- dog walkers also drive to and park at the location
- because of the closure of Oker Road, Wenslees has become a thoroughfare to Oker for residents of Oker and by delivery vehicles
- the condition of Wenslees continuation, Aston Lane, has deteriorated rapidly because of flooding and the heavy and excessive volumes of traffic

- despite requests to DCC Highways for repair and resurfacing to be carried out, and suitable passing places to be reinstated, their plan appears to be to allow the lane to continue to deteriorate - this was formerly but is no longer a lightly used lane
- if the lane ever had to be closed because of excessive use and erosion, residents have no alternative route out of the lane because the gated road through the fields is impassable (again because of erosion) to cars - don't own a 4x4 or a tractor
- applicants have been using the lower part of the field at Wenslees over recent months for parking of vehicles and operation of the water sport business - can envisage that, notwithstanding the application site, there would be nothing to prevent continued use of the field between the proposed building and the road as previously carried out
- some of the letters of support refer to the traffic congestion that exists at this point, just beyond parking places near the river bank - the proposed establishment of a business at this point will make matters worse, rather than being a solution
- road is popular with dog walkers, and cyclists and takes traffic from Aston Lane via the gated road, including large agricultural vehicles
- potential for vehicular conflict at the junction with Darley Bridge where sight lines are inadequate and where it forms an access for HGVs using the Waters site
- intensification of the use of the road is undesirable and would be contrary to the free flow of traffic and highway and pedestrian safety

### Impact on ecology

- would be increased use of the River Derwent causing additional disturbance to riverside wildlife - this is particularly noticeable when large inflatables with several people on board are using the river
- use of watercraft on this stretch of river disrupts the tranquillity of the river in this area, including kingfishers, mandarin ducks and otters
- having been a volunteer monitoring water vole activity on behalf of Derbyshire Wildlife Trust, confidently suggest that this and other businesses using the river for outdoor activities have had an injurious effect on these creatures
- this is not the only business that has taken advantage of free, unchallenged access to the river at Darley Bridge in recent years but it is the most visible and the most disruptive
- disruptive to the rivers wildlife as well as the legitimate pursuits of other river users (fishing clubs, bird watchers, etc.)
- use of the river is damaging bankside and wild fish spawning grounds
- occasional solo canoeist or angler creates minimal disturbance to the wildlife of the Derwent but the larger parties launched down the river from Darley to Matlock by the applicant cause real harm
- the area from Darley to Matlock currently being used/abused by the applicant harbours a very significant number of redds (nesting areas for spawning fish) situated in riffles (areas of water that are 25cm to 100 cm deep) and that have ample current to provide oxygen to the eggs and will be on gravel bars
- gravel bars allow the eggs to sit among and below small rocks with clean water flowing over them - these features are commonplace along the whole section of river between Darley to Matlock
- are an above average number of redds suitable areas for a section of river of this length
- efforts are currently in hand to support an increase in the at risk wild brown trout population and attempts to reintroduce salmon into the Trent system are meeting with some success
- large groups associated with the operation of the applicant create protracted noise nuisance which can have an impact on breeding birds
- are a number of traditional nest sites (dipper nests are often used by successive generations of birds) on this section of river - dippers are on the RSPB's Amber List and have seen an estimated 35% decline in the UK breeding population over last 25 years
- waterfowl are disturbed during their nesting season and later their families scattered by the passage of rafts and other craft

- Lamprey have been observed spawning at Darley Bridge, a site RH uses for launching
- is an offence under the Salmon and Freshwater Fisheries Act to disturb the spawning grounds of fish and this is inevitably caused by the passage of craft, voluntary or accidental grounding, disembarkation into the river, jumping into or being thrown into the river
- noise, splashing and boisterous, even anti-social behaviour, particularly those seen on stag and hen parties and school trips are bound to be damaging to wildlife
- "clean up journeys" claimed to be made by RH in conjunction with Paddle Peak are rare and appear to only occur when cameras are present - simply publicity stunts aimed at promoting the respective businesses and forcing issues of access
- RH activities are carried out selfishly and with total disregard for the environment, the local community and even the rules and laws of society
- if passed this planning application will exacerbate an existing problem of damaging disturbance to the aquatic life of this section of The Derwent

#### Impact on public footpath

- it is agricultural land across which runs a public footpath which, if the application is approved, the proposed building would not only abut but encroach upon and interfere with it

#### Drainage and flooding

- proposed building is on a floodplain which surely must be avoided at all cost
- this area of Darley Bridge and the surrounding residential properties have suffered several serious flooding events in the last 10 years - constructing unnecessary buildings will make this worse
- there are residential properties that rely on the field taking excess water to reduce the damage caused to the houses at Wenslees during flooding
- flood risk assessment is inaccurate with reference to the area being at low risk of surface water when in fact the area is saturated for all but a few months in the Summer
- field serves the purpose of soaking up vast amounts of water draining from Oker Hill, slowing the flow of the water to the river and helping to prevent increased flooding of the land in the area
- creation of impermeable surfaces on such land increases the risk of flooding because water no longer soaks in to the land
- has been proven that the building of impermeable surfaces on such land increases the risk of flooding in surrounding areas as the water no longer soaks in to the land - inappropriate and unnecessary to locate any additional buildings in this field
- in August 2020, the Government consulted on proposals to change England's planning policies to better respond to flood risk, with a view to strengthening the planning policies and processes for managing flood risk as it becomes clear that current policies do not adequately address the problem
- common sense should prevent this type of unnecessary and inappropriate development in an area already afflicted badly by flooding, a risk which will increase with climate change
- the field retains standing water almost year-round - flood risk assessment states that it is partially based on anecdotal evidence and, whilst it refers to the area being at low risk of surface water flooding, a pool of surface water is usually visible in the section of the field where the building is to be built
- area is subject to regular surface water flooding (photographs submitted) - pool of water is regularly visible in the location where the building is proposed
- plan in the flood assessment misleadingly describes a 'track' which is in fact a limestone surfaced road constructed exclusively to access from Wenslees, a large agricultural building constructed in 2020, a building which is yet to be used - this building is suitable for storage of water craft and should be made available for use by this business

- proposed development of a building, comprising 150 square metres of impermeable surface, on the function of the floodplain is unnecessary and risks exacerbating the current flood problems in the area.

#### Accuracy of site description/application

- application is vaguely described (and so may deceive the decision makers) as 'Land to the East of Gold Close' - more accurately it is nowhere near Gold Close, being located directly adjacent to Wenslees, a narrow, single track public highway leading from Darley Bridge to eight residential properties
- application has been errantly advertised as 'Land to the East of Gold Close', when the land is directly accessed from Wenslees Lane. The application itself refers to 'Land off of Wenslees throughout so this is evidently a deliberate attempt to divert the attention of locals who might otherwise wish to have comment on the application.

#### Concerns/objections of angling clubs

- Matlock Angling Club, Waltonian Angling Club (club of 250 members many of whom are local) Derby Railway Angling Club (club of 230 members) and Derbyshire County Angling Club (1100 Members) which own land and fishing rights along the River Derwent below Darley Bridge and own fishing rights as well as riverbanks and riverbeds in the local area, downstream at Aston Lane object to this planning application
- RH does not have an access agreement with the local riparian owners to use the land, riverbed or riverbank and have been in receipt of a number of letters, including solicitors letters, to that effect (dated June 2013, November 2013, November 2014)
- mention the fact that they operate 'from Darley Bridge to Matlock Bath along the River Derwent' but have failed to mention that they do not have an access agreement to do so and this should have been stated in their access and design statement
- trespass is unlawful and would find it strange for the planning authority to grant an application to a company that is admitting they intend to act unlawfully
- activities of RH have caused nuisance to others in the area, and any increase in this activity would cause further nuisance
- number and type of craft used on the river are unsuitable for the river - they are also dangerous to other people legitimately using the river
- some river activities organised by RH, including stag and hen parties, are unsuitable to the area and have negative impact
- opening hours and noise in the Access and Design statement is untrue where they state that there is no noise
- land in question is agricultural land but are currently using this as their company car park, training, changing area and slipway - permission should have been granted for such use
- intent of RH is to offer more than storage and parking and this is 'glossed over' in the application - wish to offer 'welfare facilities' and 'improved services' which have not been defined
- clear intention to develop this site and provide showers, changing areas, toilets, training area, slipways, etc. – this is an outdoor pursuit centre in disguise
- state they are applying for planning permission based on the 'sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities' ref. Policy S4 of the Adopted Local Plans - this is not evidenced in any way
- Rapid Horizons Limited have facilities locally and if these are unsuitable, they should consider existing storage facilities in the area or develop a brown field site rather than a green space
- in their application state 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 and refer to

Policy EC1 and NPPF Paragraph 81 as a basis for approving their application - this is not detailed with fact or evidenced in the application

- there are no impact statements by Rapid Horizons Limited in their proposal, on wildlife or of the ecological impact they have by developing a greenfield site
- there is no consideration to the ecological impact that RH will have on the river in the future
- if the Council decide to grant permission, request that this should be conditional on RH acting lawfully and limiting their activities to areas where they have a formal defined access agreement, with the scope of those activities clearly defined.

#### Other matters

- no right of navigation on this section of the River Derwent and, this apart, there is an existing agreement under which canoeing is not permitted upstream of Artists Corner
- the Council placed an order prohibiting canoes and watercraft from the river between Cawdor rail bridge and the launch site at artists corner which believe is still in force - could approval of this application be seen as aiding and abetting offences against this order
- not clear that RH have any right or permission to be operating a commercial business along the River Derwent without a legal access agreement
- despite having no legal right of navigation, still continue their activities and it's only a matter of time before there will be an accident with an angler who may be waist deep in the water
- without any legal access it is not clear how the applicants public liability insurance can be underwritten
- issue of access is not "biased opinion held by some" as RH claims but a matter of Law and existing permission
- there is no access agreement for the area apart from the area in front of the field and further downstream where they exit - RH do use the river bed, bank and land in between therefore it is trespass
- Derbyshire Upper Derwent Fishing Clubs have received Counsel's advice as we notice a movement to open the whole of the river for canoeing and paddleboarding
- are aware of commercial operators seeking to make use of other open stretches for canoeing, rafting, and tubing
- QC opinion is clear that there is no substantial evidence to give rise to a Public Right of Navigation over these stretches on the Upper Derwent - wish that Derbyshire Dales District Council consider QC opinion when making decisions now and in the future
- the point of navigation has not been fully presented apart from the unsubstantiated claims by the applicant
- historically the fishing clubs involved have given permission to use the river for certain events when requested - no permission has been requested recently to use the river for navigation purposes.
- construction of this building will serve to aid and abet a business making a living from an illegal activity
- the 'track' crosses the same right of way and this building was also constructed under Planning Category B8 use and so benefits from Permitted Development to a potential change of use without planning permission
- might reasonably be assumed that the landowner is desirous of constructing a number of buildings on this land in the expectation of converting them (without the need for planning permission) to say residential use at some future point

6.2 A total of 12 letters of representation have been received in support of the application. A summary of the representations is outlined below:

#### Benefits of the proposal

- RH are a professional Outdoor Adventure sports provider, promoting fun, active and adventurous days out on the River Derwent - through these activities they promote the

- responsible and sustainable use of the waterway promoting the underpinning values of appreciation and protection of this beautiful river environment
- holidayed on the River Wye last year and there were a number of similar buildings like what is proposed and they improve the experience and are great for active locals and visitors alike to utilise
  - as a regular visitor to Darley Dale and the surrounding countryside of the Derwent Valley, taking part in activities such as hiking, cycling and even more regularly kayaking and canoeing on the river, I can wholeheartedly support this application
  - Public Health England wants to see more people being physically active and RH are enabling people to do this alongside running a successful business
  - the charity 'Mind' has also commented that "Spending time in nature has been found to help with mental health problems such as anxiety and depression" - whilst RH already offer the opportunity to undertake physical activity outside, allowing them to build will make this a much more efficient process and also reduce the impact of their customers presence - can't understand why people would want to stop this?
  - supporting this application will encourage visitors to the Derwent Valley, Darley Dale and Matlock in particular to take part in the activities offered, but also benefit local business's such as B&B, campsites, pubs, restaurants, etc. as clients will travel from countryside and boost the local economy
  - as 'Staycations' continue to become more popular, and with outdoor activities on the rise, better infrastructure will be required
  - will provide toilets and changing facilities for clients, again making river recreation far more resident friendly
  - facility will allow RH to not only continue to get people more active but to do it in a purpose built facility, like many other sports have
  - really good idea given that have seen this company toiling their equipment up and down the road tirelessly - it'll be good for them to have a home
  - having the toilet there can only be a good thing for the locals as have regularly seen people having to use the cover of a tree to go to the loo
  - as local public toilets have been closed by the Council, surely having a loo here which people could use is only a good thing?
  - could allow all people undertaking outdoor sports to use their WC facilities which would be a benefit to all, not only the RH customers
  - believe in permitting the erection of a storage building to Rapid Horizons that it will allow them to proceed with their teachings as well as continuing in their many volunteering tasks of keeping the river safe and free of debris
  - President of Midland Canoe Club based in Darley Abbey advises that recognise the very positive effect that these types of outdoor educational activities can have on our younger generations and own club has been at its current, River Derwent-based site for 50 years this year and are a positive member of the local community, located in a World Heritage Site - see RH in exactly the same light; an organisation that is aiming to provide positive, educational experiences for young people of that area whilst also enabling them to access nature, building their knowledge and respect for the local environment and its flora and fauna aware that some of the instructors have represented the country at an international level
  - would ensure a safer environment for people wanting to experience the outdoors and activities offered by both regular and new customers
  - if the last few years has taught us anything, it is that we have shared interests and accessing our own Derbyshire Derwent, co-operatively and respectfully, must surely be a positive outcome for all concerned will promote responsible access to the outdoors by providing much needed facilities
  - to get a none biased view, that is not based on local's opinion or paddlesport enthusiasts, could just look at the comments that this company have received on Trip Advisor - over 300 positive reviews all stating about how good the instructors were, how



professional the organisation was and how safe they felt and how much wildlife they saw

- RH offer a wonderful, professional and safe experience for visitors to the Derbyshire Dales - suggest taking a look at their 5 star Trip Advisor and Travellers Choice award online; they are role models for our region
- having been a local resident for many can only give support for the application in respect to the support RH give back to the community
- not only do they offer knowledge and safety to both local and tourists of the river, but they provide an amazing leisure activity helping both adults and children including children with learning disabilities
- think the Council should be supporting small business, as well as providers of outdoor sports, and should allow them to operate in the most efficient and beneficial way, particularly when a new facility will reduce the level of nuisance to a local community

#### Impact on the character and appearance of the area

- application should be supported as it will, from the plans, be in keeping with the existing buildings in the area and improve on existing levels of congestion on the riverside public parking area
- will the proposed structure blend in with the surrounding landscape, is the plan to use local builders and ask for assurances that the proposed use of the land is only to house equipment, and that there are no plans to evolve into anything providing accommodation or being used as a food outlet?

#### Impact on amenity

- the use of facility, out of eye sight from the local residents, will be a much more pleasant experience for both customers and residents
- from visiting the local area, have seen that the new building is proposed to be next to a haulage yard and facility will clearly not impact noise in this area as the haulage yard, with its many outbuildings, will already be at a much higher noise level
- have seen comments relating to the nuisance of lorries coming through Darley Bridge, likely to this yard, I don't see the relevance of this to the application as this is an existing problem which RH will make no worse
- strongly support this application in favour of the local community and in favour of keeping the Rapid Horizons been able to work and continue their support to Derbyshire Dales
- objections submitted, which include comments against people using the river, are of no relevance to this application - it is not a question of whether the river will be used but a question if a new facility for an existing user can be constructed
- have seen comments on this application complaining about the level of use of the river, this shows that those people are not interested in this specific application for a new building and have potentially not even read it
- those people simply want to stop others enjoying and partaking in sport on the river because it disturbs the view from their garden, and they are clearly using this application as a sounding board for their own selfish needs
- storage is required to allow the business to function efficiently and causes no noise nuisance - they are canoes not machinery
- as a customer of RH, can confirm that comments regarding the 'lack of evidence of proper instruction' by the RH guides is completely false - note that points such as this, and also regarding the level of noise coming from customers as they 'scream and yell,' is null and void as this application is for a building, not an application for RH to operate on the river, which is not owned by those providing objections

#### Highway matters

- use of an off road parking area with a building would greatly benefit the road and surrounding area from congestion, plus the safety aspect would also be beneficial

- development suggested will ease traffic from the area by improving vehicle parking and turning for activity providers using the river
- with off-road parking at the facility, this should enable the same respect to be shown to local residents and other occasional users of their access track
- the new facility would clearly reduce the level of traffic lingering around Darley Bridge as customers will not have to drive around the Darley Bridge area searching for a space to park anymore which is ultimately more disturbing to residents than customers driving straight through the area into a private car park
- If the facility is not built, residents will continue to have customers parking (and changing) along the roadside as they simply have no other choice
- feel that many of the comments made about traffic are a result of the residents frustration with the situation as it is now, but don't think they understand that this will not change unless RH obtain a private space for parking
- as equipment for the activities of kayaking/canoeing will be on site, this will reduce the volume of vehicle and trailer traffic considerably in this area and along the main road into Matlock
- agree that this access road can get congested and at times, leave little parking for local residents and the few parking bays available are regularly taken up by people going walking, cycling and using the river - having this area would help ease some of the burden and free up these parking slots
- will enable less congestion on the road, public footpaths and grass bank where people often park to enjoy the river and surrounding countryside
- as a local resident support the application as it will help to alleviate the shortage of parking at Darley Bridge that we currently have
- the limited parking on Wenslees at present is regularly used by walkers, fisherman and river users in general, leaving the area very short of parking for local residents

#### Impact on ecology

- comments of 'wildlife disappearing' and kayakers 'out of control' are mentioned which could not be further from the truth in my experience - see an abundance of wildlife and see kingfishers and water vole nearly every time
- know that members of the RH team are regularly involved in conservation work doing regular litter picks along the river and cleaning up the rubbish of other people in the area
- to say that they are exploiting the region and having a negative impact on the environment is nonsense

#### A letter of support from Places to Paddle Manager - British Canoeing

- over 5.2million people paddle each year in the UK
- over the last 2 years during the pandemic, interest in paddlesports has grown significantly as more people have to be active in nature closer to home
- thousands of people taking up paddling as an accessible, affordable and fantastic way to stay healthy and support mental wellbeing
- critical to enabling the sport to be inclusive and welcoming is the provision of safe places to park and launch - this is not only the case for people with additional needs, such as mobility issues, but also to encourage other groups, maybe those who are from minority backgrounds, who may find accessing their local water challenging for a whole range of reasons
- safe places to access the River Derwent, to park and launch safely and sustainably are few and far between
- it is the aspiration of a number of bodies within the Peak Park and the Derwent Valley to realise a Paddle Trail that extends from the Dams to the confluence with the Trent
- schemes like the one that is proposed could play a key part in enabling people to be able to access that trail in future, to enjoy the heritage and beauty of the valley

- schemes like this, that provide additional parking, storage and access to the water, are also really important in helping rural communities cope with the demand for access to the countryside
- parking and access to the water away from the public road would help alleviate some of the issues that are cited in other comments, specifically disturbance of local residents
- access on inland waters in England is a contentious issue, to which there are differing legal opinions
- British Canoeing encourages stakeholders (water users, residents, commercial providers, environmental groups) to work collaboratively on 'sharing the space'
- as per hills, crags, footpaths and bridleways, our river should be there to be enjoyed responsibly by all, for everyone's benefit and enjoyment
- RH provide an excellent service to customers and contribute a great deal to the local economy
- the activities provided by RH draw in significant amounts of secondary spend into local business; on accommodation, on food, drink, fuel any much more
- have taken part in numerous river clean events most notably post floods in 2019
- RH helped clear much of the miles and miles of black bailer plastic that festooned the trees along the Derwent – the efforts to keep the river free from plastic pollution have continued on a monthly basis for well over 3 years since have been aware of their operation
- their contribution towards protecting the river that they use for their activities must not be underestimated
- clearly a balance must always be struck, to protect the interests of other users and local residents
- are always going to be concerns that commercial activity will negatively impact the interests of others but absolutely confident that RH are committed to sharing the river responsibly and sustainably and that this development will enhance what they offer to not just customers, but also the community
- facilities that this proposal would provide would help create sustainable and safe access to the water for many more people to enjoy the Derwent Valley.

## **7. OFFICER APPRAISAL**

### Policy Principle

- 7.1 Policy S1 (Sustainable Development Principles) advises that all developments should seek to make a positive contribution towards the achievement of sustainable development by improving economic, environmental and social conditions of the area where possible. This will be achieved by meeting most development needs within or adjacent to existing communities. This should be particularly on previous developed land but also making efficient use of land by optimising the use of sites whilst also reflecting on the character, accessibility and infrastructure capacity of the area. In addition, developments should conserve and, where possible, enhance the Peak District character and support the local economy and businesses by providing a range of economic developments with employment opportunities.
- 7.2 The policy goes on to advise that proposals should seek to minimise the need to travel and reduced reliance on the private car. There should be a minimising of risk of damage to areas of importance to nature conservation and landscape value and ensuring a net gain in biodiversity and the creation of ecological networks. Developments should seek to protect natural resources such as water and provide a high standard of amenity. Development should be of high quality, locally distinctive and inclusive design and layout, take account of climate change and flood risk and give priority to SuDS to limit surface water run-off. These aims are set out in specific policies below.

- 7.3 The site is immediately adjacent to the settlement boundary for Darley Bridge which is defined as a Tier 3 settlement in policy S2 (Settlement Hierarchy). The location of the proposed building is in the corner of the field bordering the settlement boundary, adjacent to the haulage yard and archery building and with allotment gardens to the east. There are regular buses through Darley Bridge to Darley Dale, Matlock and Bakewell and many public footpaths. The proposed location is an easy, level walk from Darley Dale and within 0.5 miles of the White Peak Loop cycle trail. The location is in a popular and very accessible tourist spot, less than 5 miles from Matlock, Bakewell, Chatsworth and Winster. It is less than 1 mile from the arterial A6 road. It is considered a sustainable location in this regard for the usage proposed.
- 7.4 Nevertheless, as the site is with open countryside, it is also subject to consideration having regard to policy S4 (Development in the Countryside). This advises that planning permission will be granted for development where it represents the sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities. It also advises that planning permission will be granted for development associated with sport and recreational uses in accessible locations and the least environmentally sensitive locations. To this end, the site is located immediately adjacent to a sustainable, Tier 3 settlement. The above is also reflected on specifically with policy HC17 (Promoting Sport, Leisure and Recreation), policy EC1 (New Employment Development) and policy EC8 (Promoting Peak District Tourism and Culture).
- 7.5 Policy HC17 advises that the provision of new sports, recreational and leisure facilities will be permitted provided they are located at a site which relates well to the settlement hierarchy or they are intended to meet specific rural needs that cannot be appropriately met at settlements within the settlement hierarchy.
- 7.6 Policy EC1 also encourages the appropriate expansion of existing established business requiring additional space to grow and that contribute towards the creation and retention of a wide range of jobs and support visitor based service sector jobs within the local tourism industry an increase in higher value employment opportunities and training provision locally in order to enhance the economic base of the Plan area. This is on the basis that this does not harm the character, appearance or environment of the site or the amenity of occupiers of nearby properties, is accessible by a variety of transport modes and has a layout, access parking, landscaping and facilities appropriate to the site and its surroundings, that aim to cut carbon dioxide emissions and adapting to changes in climate (SuDS, flood risk and green infrastructure).
- 7.7 Policy EC8 states that the District Council will support the development of tourism through supporting provision for visitors which is appropriate to the settlements and countryside and consistent with environmental objectives, encouraging the provision of new visitor attractions and facilities that expand the breadth and quality of tourism offer without prejudice to the character of the Peak District and supporting measures that would relieve tourist pressures on the most sensitive parts of the National Park and which would protect and enhance vulnerable habitats and landscapes. In this regard, it is considered that the above policies give general support, in principle, to the proposed development. However, this needs to be considered having regard to other policies of the Adopted Local Plan (2017).
- 7.8 Other matters that need consideration are the impact of the proposed development on the character and appearance of the area, which needs to have regard to policies PD1 (Design and Place Making), PD5 (Landscape Character) and PD6 (Trees, Hedgerows and Woodlands). Concern has been raised with regard to the impact on amenity and regard needs to be given to policy PD9 (Pollution Control and Unstable Land).
- 7.9 There is a need to assess highway matters with reference to policies HC19 (Accessibility and Transport) and policy HC21 (Car Parking Standards). As the proposed building would

be in a Flood Zone 2 area, consideration needs to be given to the requirements of policy PD8 (Flood Risk Management and Water Quality). Policy PD3 (Biodiversity and the Natural Environment) needs to be considered with regard to any impacts of the development on ecology.

- 7.10 The District Council also seeks to mitigate the carbon footprint of development in accordance with the aims of policy PD7 (Climate Change) and the District Council's Climate Change Supplementary Planning Document.

#### Impact on the Character and Appearance of the Area

- 7.11 The building has been designed to reflect that of a modern agricultural building in its design and materials. It is proposed in a recessive colour (juniper green) and would be set against a backdrop of trees/hedge. The building is also set adjacent to a haulage yard with large buildings and, whilst screened to a large extent, is located close to an existing agricultural building and the archery building. In this regard, it is considered that the building would not be so intrusive in its context to justify a reason for refusal and is considered to accord with the aims of policies S1, S4, PD1 and PD5.
- 7.12 It is appreciated that a further access is proposed between the existing access into the field adjacent to the line of the public footpath and the other access into the fields to serve the agricultural building. The materials are proposed to be porous limestone chippings and this would appear as a farm track up to an agricultural building within a yard area. Concerns have been raised that the landowner has another building on the land which is advised is not being used and question why this can't be used instead of erecting a new building with its associated curtilage and access. The applicant has advised that the existing agricultural building was built last year and is to serve the remainder of the land. It is located in a different area of the large field and is leased to and in use by a farmer, who will soon bring his animals to the land and is not available for RH.

#### Highway Matters

- 7.13 Concerns have been raised by local residents and other parties with regard to the impact that the development will have on traffic and parking in the area. The applicant advises that this traffic already exists with vehicles coming to and from the village to partake of the canoeing/rafting. The proposal will provide a designated facility to allow for the existing parking to be unaffected by the development.
- 7.14 The Local Highway Authority has considered the proposal and advises that, taking into account the expected vehicle flows and speeds on Wenslees, it is considered that the proposed access serving the proposed building will have no detrimental highway impact. The on-site parking and manoeuvring space is also considered to be suitable for the scale of the proposed building. In this respect, it is considered that the application meets the aims of policies HC19 and HC21.
- 7.15 The applicant advises that the new access point is required to achieve appropriate visibility sight lines in both directions to the Wenslees public highway to allow for safe exit. The applicants have agreed with the landowner that the existing gate, adjacent to the public footpath, can be closed off permanently should a new access be permitted as part of this planning application.

#### Public Rights of Way

- 7.16 It is noted that the location of the proposed building is on the line of a public footpath which runs across the entire application site and the Local Highway Authority advises that the applicant must be made aware that the premises cannot be constructed until the necessary

processes have been undertaken to divert the footpath. The applicant advises that the footpath running near the application site is clearly marked on all submitted drawings and it is evident there is no encroachment over this footpath from the proposed site location and that the footpath would be kept free from obstruction at all times during development and use.

- 7.17 The only change proposed would be the porous limestone chippings of the proposed access driveway that would be laid over the footpath but would not hinder its usage. However, it is considered reasonable to require that the footpath is not obstructed and this can be achieved by ensuring there is no fence or gates set along the access from the point of access up to the immediate curtilage detailed to the building; this can be a condition on any grant of any planning permission. To this end, the applicant proposes a field entrance gate five metres in from the highway and a second gate the other side of the public footpath to secure the premises. It is advised that both gates will open inwards and neither will obstruct the public highway or footpath in any way. In this respect, the proposals are considered acceptable.

#### Impact on Residential Amenity

- 7.18 Concerns have been raised with regard to the impact of noise, particularly that emanating from the use of the river with participants screaming, etc. Whilst this would be likely moreso when the river is being used by parties of people, this is considered could be reasonably managed by the applicant/instructors. Such activities already take place without the need for planning permission irrespective of this application.
- 7.19 The proposed building itself would be some distance from dwellings with fields a haulage site and the archery building being interventions to the residential areas. It is not considered that the nature of the use of the building would lead to significant noise nuisance to residential properties in the wider locality.

#### Impact on Other Users of the River Derwent

- 7.20 Concerns have been raised as to the legitimate use of the river by RH, principally by the angling bodies. Whilst this is not necessarily a planning matter, it is advised by the applicant that they have been running trips on the River Derwent since 2012 and incorporated the business Rapid Horizons Ltd (RH) in 2015. It is advised by the applicant that the company, its founder (the applicant) and many other individuals and other water sport businesses locally have and continue to park on Wenslees and access the river directly adjacent to the bridge in Darley Bridge and that all have done so without legal challenge for over 20 years or been requested for a license to access the water or use the river. The applicant advises that this is consistent with all water sports users at the location.
- 7.21 The applicant advises that RH legitimately uses public access points to access sections of the River Derwent from Darley Bridge to Matlock Bath and that the access point at Darley Bridge has been used by canoeists and kayakers for decades. The river bank access point is used as a slip way to the river and is understood by the applicant to not be owned by anyone or body, and there are no fishing rights in place around this entrance point. The applicant considers the rivers and water on it are also not owned by any one person.
- 7.22 The applicant advises that, more recently, rafters, open water swimmers and stand up paddleboarders have taken an interest in this section of river because of its natural beauty, abundance of wildlife and easy access points. It is advised that RH believes in responsible and sustainable usage of the River Derwent to enjoy paddlesport activity and regularly runs river clean up journeys in conjunction with the Paddle Peak organisation, local canoe clubs Derbyshire Dales District Council.

- 7.23 It is advised that RH is affiliated to British Canoeing (BC), who are the national governing body for paddlesports in Great Britain; comments have been received from this body as set out in the representations. RH is listed on British Canoeing's 'Go Paddling' website as a company who offer paddling tours, tuition, paddling awards and instructor qualifications. It is advised that the applicant personally performs consulting works for British Canoeing as a National Association Trainer for Raft Guide Qualifications and also sits on British Canoeing's technical panel which advises on technical matters within the sport of rafting. RH has public liability insurance for its operations and activities with the public and has, per companies house, been trading as a legal entity since 2015.
- 7.24 The applicant advises that RH holds an Adventure Activities Licensing Authority licence. As part of HSE, AALA can award licences to adventure activity providers who wish to deliver activities to under 18s, without a parent or legal guardian present. AALA licences are obtained by undergoing a thorough and robust auditing process. Before a licence is awarded, the inspectorate requires the applicant to produce the appropriate risk assessments, operating procedures, instructor qualifications and management structure. It is advised that licences are only awarded to outdoor activity providers who meet HSE's legal requirement.
- 7.25 Whilst the proposed building is inherently linked to the use of the river, it has to be appreciated that the river has been used for the purposes of canoeing and rafting from this point without such a building being provided and could, it would appear, be able to do so going forward. It is appreciated that the angling bodies have questioned the legality of such a use of the river, but it would be assumed that a watersports business, with the support of British Canoeing, would have the necessary licenses and agreements to utilise the river in some form which would provide justification for the building for the storage of equipment.
- 7.26 Given the above, the applicant considers the comments made around unlawful access is a biased opinion held by some angling clubs and that there is no evidence to support such claims. It is considered that these alleged legal matters should not prejudice whether the proposed development is acceptable or not in this location and, ultimately, should permission be granted, the building would be erected at the applicant's risk.

### Flooding and Drainage

- 7.27 With regard to standing water/flood risk, the applicant advises that the area of the field where the building is proposed has to their knowledge never flooded which, they advise, is consistent with the Environment Agency records. It is advised that the site is fully within flood zone 2 and not the functional flood plain as some objectors claim and lies at the same ground level as the immediate neighbouring archery clubhouse. The applicant advises that if the site was on land liable to regular flooding, they would not be proposing to erect a storage building there as that would be irresponsible.
- 7.28 The applicant has submitted a Flood Risk Assessment and the Environment Agency has confirmed that the site lies within Flood Zone 2 and therefore the Local Planning Authority can apply national flood risk standing advice (FRSA) in this instance. Flood Zone 2 covers land that has between a 1 in 100 and a 1 in 1000 annual probability of river flooding. In this regard, less vulnerable development can be provided in such locations. This includes such development as shops, general industry, storage and distribution, assembly and leisure. In this regard, the use proposed for the building is considered to be within this less vulnerable category of development.
- 7.29 As the site is at risk of flooding from the river in extreme rainfall events, then flood mitigation measures are required. The end use of the building is for storage with welfare facilities and therefore it is proposed that any electrical points are not installed at a low level and that

racking and raised platforms should be used for the storage of any products and materials to keep them off the floor.

- 7.30 Whilst the building is for non-residential use, the applicant's consultant advises that it would be still prudent to subscribe to weather warnings, but with the nature of the business being water based, then these weather watch and alerts are likely to be common practice. The Environment Agency is not aware of any other environmental constraints which they would wish to formally comment upon.
- 7.31 The applicant refers to EA maps which show no surface water issue in the proposed location. The applicant appreciates that there has been a lot of rain in the last month and the area of the proposed building is in fact well drained and holds no standing water and have noted the local flood risk team carry no objections. In terms of drainage, any foul connection will be into the public foul sewer adjacent the site. All new surface water drainage should be designed in accordance with the SuDS manual.
- 7.32 It is proposed to restrict the discharge from site, which will require some on site attenuation in the form of oversized pipes or cellular storage. There is also potential use of rainwater harvesting on the building, although it is not anticipated to have a vast water usage. The roof structure would not lend itself to a green roof but there is landscaping around the site that could be fitted with rain garden units, such as the Hydroplanter product, as well as the access road and parking areas being a granular construction. To this end, it is considered that a condition can be attached to any grant of planning permission requiring details of surface water drainage to be provided.

#### Biodiversity and Ecology

- 7.33 There is some scope for the planting of trees and shrubs, as well as other types of planting to encourage biodiversity at the site. There would also be the ability to provide bat and bird boxes on the building. It is considered that such measures would provide the potential for biodiversity enhancement in line with the aims of paragraph 179 of the NPPF (2022).
- 7.34 The applicant has responded to comments around paddling activity destroying wildlife and states that this is unfounded and that he wholly disagrees. The applicant feels that negative comments regarding the business activity of RH should be discarded as they irrelevant to the planning application and are a biased opinion of residents and angling clubs who take a disliking to the general public using the river to enjoy paddlesport. It also has to be appreciated that does not necessarily serve to justify whether a building is acceptable or not in the location proposed.

#### Climate Change

- 7.35 The applicant has detailed the provision of solar panels on the south east facing roofslope of the building to seek to mitigate the carbon footprint of the development and yet provide for electricity for the building. The harvesting of rainwater is also considered a sustainable use of the resource. The planting of further trees to enhance biodiversity would also offset some of the carbon footprint. Whilst the materials are proposed to be metal cladding, this is appropriate for the nature and context of the site. As detailed above, the site is in a relatively sustainable location within reasonable walking distance of Darley Dale and has access to regular public transport.

#### Conclusion

- 7.36 This is clearly a sensitive application given the level of objection from local residents and angling clubs. However, much of the objections raised relate to the current use of the river by RH, and less so to the building itself which is the subject of this planning application. It



is appreciated that concerns have been raised with regard to the impact on the character and appearance of the landscape and the open countryside, but it is the view of Officers that the building would sit comfortably with a backdrop of mature landscaping and have a form and appearance reflective of an agricultural building. In its location, it is also considered that the siting of the building is appropriate to its proposed function.

7.37 Concerns have been raised with regards to noise emanating from the building. However, it is considered that the nature of the use of the building would not lead to significant disturbance to residents in the locality given the relative distance from the site. Nevertheless, it is considered reasonable to restrict the use of the building to its proposed use in order to allow control over other uses in the Use Class which could lead to greater disturbance through on site operations and comings and goings.

7.38 With regard to other matters, there will need to be conditions on the materials proposed and also with regard to landscaping and boundary treatments. It is considered that the addressing of climate change can be secured with conditions on the provision of solar panels and rainwater collection and that the carbon footprint of the development can also be addressed with a condition with regard to biodiversity enhancement which would include the planting of further trees and the provision of bat and bird boxes on the building. Conditions will be required to address highway matters and also to seek to prevent obstruction of Footpath 17 South Darley. On the basis of the above, it is recommended that planning permission be granted.

## **8. RECOMMENDATION**

8.1 That planning permission be granted subject to the following conditions:

1. Condition ST02A Time Limit on Full

Reason:

Reason ST02A

2. The development hereby approved shall be carried out in accordance with the original drawings and specification except as amended by Drawing Nos. AP-RH-02A and AP-RH-04 received on 13<sup>th</sup> January 2022 and the recommendations contained in the amended Flood Risk Assessment Rev. B (Advant Engineers) January 2022 received on 13<sup>th</sup> January 2022 except insofar as may otherwise be required by other conditions to which this permission is subject.

Reason:

To define the permission for the avoidance of doubt, to ensure the satisfactory appearance of the development and to address matters of potential flooding to comply with policies S1, S4, PD1, PD5 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

3. Notwithstanding the Town and Country Planning (Use. Classes) Order 1987 (as amended) the use of the building and its curtilage shall solely be in connection with the purposes of canoeing and rafting, and for no other use with Use Class B8, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

Other uses within Use Class B8 could lead to other material planning matters that may impact on amenity and highway safety matters to comply with policies S1 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

4. Notwithstanding the submitted documents and drawings, before the building is faced details of the following shall be submitted for approval in writing by the Local planning Authority:
- all facing and roofing materials for the building, to include doors and rooflights;
  - details of all rainwater goods and external pipework; and
  - details of hard and soft landscaping, to include a schedule for the planting to take place.

The development shall thereafter be provided in accordance with the approved details.

Reason:

To ensure the provision of satisfactory climate change mitigation measures to comply with policies S1, S4, PD1, PD7 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

5. Notwithstanding the submitted documents and drawings, before the building is brought into use, details of the proposed solar panels, and the method of rainwater collection and utilisation, shall be submitted to and approved in writing by the Local Planning Authority and these shall be provided prior to the building being brought into use and thereafter maintained as such.

Reason:

To ensure the provision of satisfactory climate change mitigation measures to comply with policies S1, S4, PD1, PD7 and PD8 of the Adopted Derbyshire Dales Local Plan (2017).

6. Notwithstanding the submitted documents and drawings, before the building is brought into use, details of the method of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority and these shall be provided prior to the building being brought into use and thereafter maintained as such.

Reason:

To ensure the provision of satisfactory surface and foul water drainage to comply with policies S1, S4, PD1, PD8 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

7. Before any other operations are commenced, the new vehicular access shall be created to Wenslees in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any impediment to its designated use.

Reason:

To ensure the provision of an appropriate access to serve the development in the interests of highway safety to comply with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

8. Before the first occupation of the premises, space shall be provided within the application site, in accordance with the application drawings, for the parking and manoeuvring of visitors', staff and customers vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

To ensure the provision of appropriate off road parking to serve the development, in the interests of highway safety, to comply with policies S1, S4 and HC21 of the Adopted Derbyshire Dales Local Plan (2017).

9. Notwithstanding the details on the submitted drawings, before the building is brought into use, the site shall be provided with post and rail fences and gates to the immediate curtilage/parking area around the building, and at the access point off Wenslees, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. No fencing/gates other than those approved shall be provided from the access point off Wenslees to the curtilage around the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of preventing obstruction to Footpath 17 South Darley, to allow for ease of access to the land to the north of the access for the purposes of farming and to ensure the satisfactory appearance of the development to comply with policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

10. Before the building is brought into use, details of the provision of bat and bird boxes, to meet with the aims of biodiversity enhancement, shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided prior to the building being brought into use and shall thereafter be retained as such.

Reason:

In the interest of securing biodiversity enhancement to meet the aims of paragraph 179 of the National planning Policy Framework (2022).

#### **NOTES TO APPLICANT:**

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website:

[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp),

e-mail [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk)

or telephone Call Derbyshire on (01629) 533190.

2. The application site is affected by a Public Right of Way (Footpath number 17 on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.

- Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
- If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.

- Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
  - To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for proposed development rather than await the granting of permission.
3. Informatives of the Local Lead Flood Authority to be inserted
  4. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in the submission of further information which overcame initial problems with the application relating to flood risk and drainage.
  5. The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (England) Regulations 2012 as amended stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 27 of the Development Management Procedure Order 2015 for the discharge of conditions attached to any planning permission. Where written confirmation is required that one or more conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £116 per request. The fee must be paid when the request is made and cannot be required retrospectively.
  6. This decision notice relates to the following documents:

Amended Drawing Nos. AP-RH-02A and AP-RH-04 received on 13<sup>th</sup> January 2022  
Design and Access Statement received on 12<sup>th</sup> November 2021  
Amended Flood Risk Assessment Rev. B (Advant Engineers) January 2022 received on 13<sup>th</sup> January 2022  
Additional Information received on 23<sup>rd</sup> December 2021.

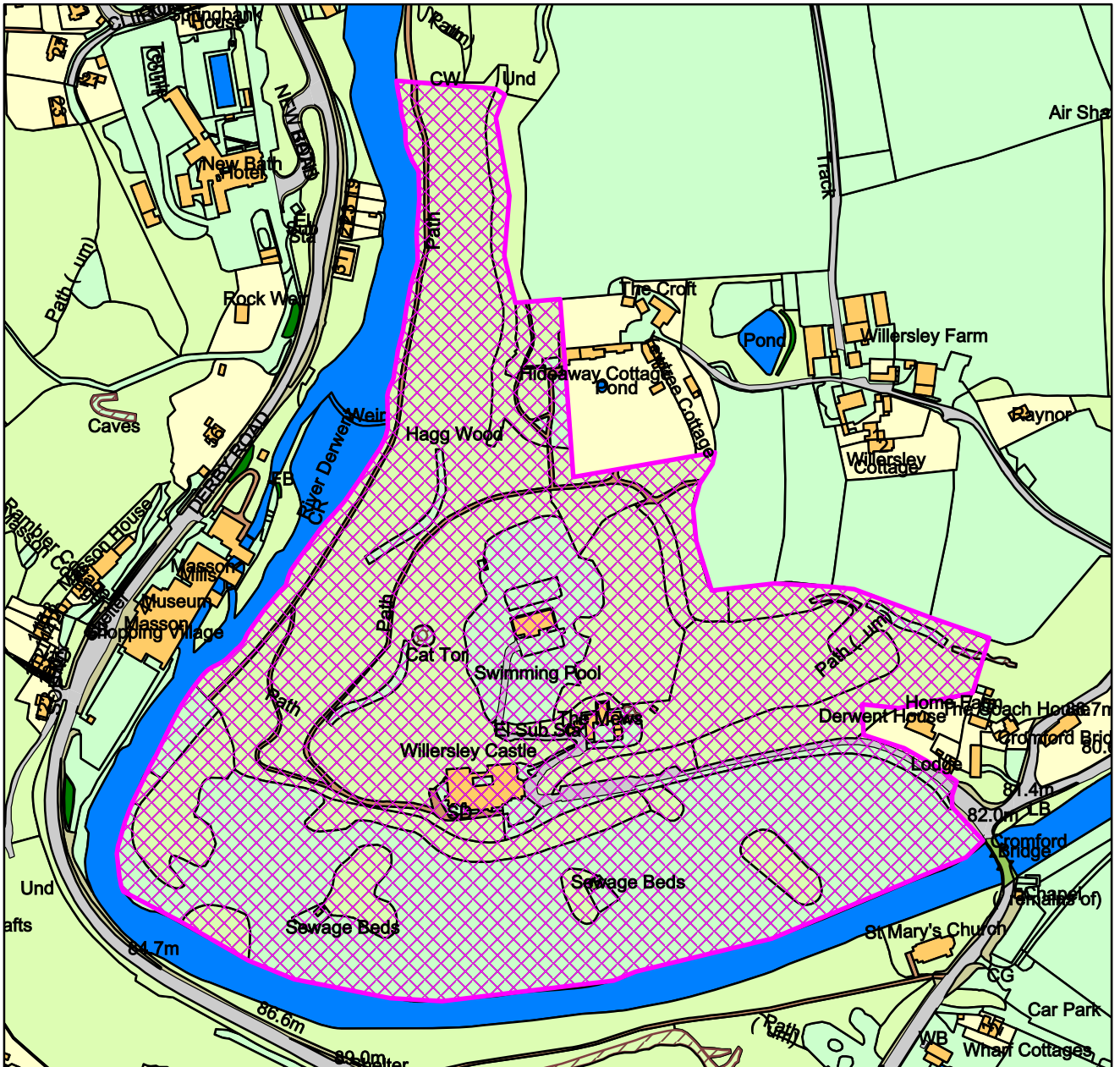
<b>APPLICATION NUMBER</b>		21/01283/FUL	
<b>SITE ADDRESS:</b>		Willersley Castle Hotel, Mill Road, Cromford	
<b>DESCRIPTION OF DEVELOPMENT</b>		Change of use from hotel (C1 Use) to children's residential education and adventure centre	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Manor Adventure (Vaughan Phillips)
<b>PARISH/TOWN</b>	Cromford	<b>AGENT</b>	Roger Yarwood
<b>WARD MEMBER(S)</b>	Cllr Gary Purdy Cllr Dermot Murphy	<b>DETERMINATION TARGET</b>	11 <sup>th</sup> February 2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	More than 5 unresolved objections received.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context and the impacts on heritage assets arising from the proposal.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Impact on heritage assets</li> <li>- Highway safety</li> <li>- Impact on ecology and woodland</li> <li>- Impact on residential amenity</li> </ul>

<b>RECOMMENDATION</b>
Approval with conditions

21/01283/FUL

Willersley Castle Hotel, Mill Road, Cromford



Derbyshire Dales DC

1:4,500

Date: 23/02/2022

100019785

Crown Copyright and database rights (2018) Ordnance Survey (100019785)  
Derbyshire Dales District Council,  
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.  
Telephone: (01629) 761100.  
website :www.derbyshiredales.gov.uk

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 Willersley Castle and grounds are located to the north of Cromford separated by the River Derwent. The building occupies a prominent position on a plateau above the valley and can be experienced in the landscape from an extensive area. Access to the castle is over Cromford Bridge and an access road from the east. The Mews buildings are located to the north east of the Castle and an existing swimming pool is on higher ground to the north. The Lodge and Derwent House are no longer within the same ownership and are located to the east on the approach to the Castle near the entrance gates. Cottages accessed off Willersley Lane abut the grounds to the north east.
- 1.2 Willersley Castle is listed Grade II\* in recognition of its status as a building of more than special architectural and historic interest and character. The Castle was built in 1792 to designs by William Thomas of London for Sir Richard Arkwright and sits within contemporary landscaped grounds which are included on the Register of Historic Parks and Gardens at Grade II. The Grade II registered grounds, which include a grade II listed lodge, gate and piers, were laid out by John Webb for Sir Richard Arkwright and his son Richard. The site as a whole lies within and forms a key attribute of the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site. It also lies within the Cromford Conservation Area and makes a positive contribution to its character and appearance. Willersley Castle was the home of the Richard Arkwright who established cotton mills at Cromford. It is an important element of a substantial group of buildings at the heart of the Derwent Valley Mills World Heritage Site and the Cromford Conservation Area, that have a close historic relationship. To the north west and east of the main buildings are areas of ancient woodland with that area to the north west also being designated as a Site of Special Scientific Interest and a Special Area of Conservation.



## 2.0 DETAILS OF THE APPLICATION

- 2.1 The application is for a 'change of use' from a hotel use (Class C1) to a children's residential education and adventure centre. The submitted Supporting Statement states clearly that as part of this current application "*no alterations to the historic fabric of the buildings on the site are necessary. The only intended alterations involve the upgrading of en-suite facilities which were installed in the early 21st century. Similarly, no development or alterations are proposed at this stage which would affect the surrounding parkland*".
- 2.2 The floorplans indicate the rooms would be retained as existing with accommodation comprising of communal facilities and service requirements on the ground floor with 24 double bedrooms and 4 single rooms within the first and second floors of the castle and 5 double rooms and 9 single rooms within the Mews building.
- 2.3 The agent states within a recent letter that "historically, Willersley Castle has functioned as a hotel with a significant element of recreational activity in the grounds and, in earlier times, with an element of religious education provided in the hotel. Outdoor activity within the grounds has included a swimming pool, tennis court, miniature golf course and guided woodland walks. Rock climbing, abseiling, rafting and canoeing are also activities which have taken, and continue to take place in the grounds".
- 2.4 A schedule of activities that would be undertaken within each of the four areas, namely:- the SSSI and ancient woodland, recreation area 1 (to the north of the main buildings), riverside meadow area 2 (to the south of the main buildings) and the River Derwent, has been provided. This schedule has confirmed that no fixed equipment would be located within the SSSI and ancient woodland or the riverside meadow area 2.

## 3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. S2: Settlement Hierarchy  
S3: Development within Defined Settlement Boundaries  
PD1: Design and Place Making  
PD2: Protecting the Historic Environment  
PD3: Biodiversity and the Natural Environment  
PD7: Climate Change  
EC8: Promoting Peak District Tourism and Culture  
HC19: Accessibility and Transport
- 2 Cromford Conservation Area Appraisal
3. National Planning Policy Framework  
National Planning Practice Guidance

## 4.0 RELEVANT PLANNING HISTORY:

1295/0798	Extension of upper car park	A	06/03/1996
1285/0889	Dwelling (outline)	A	14/04/1986
0895/0487	Extension to car park (20 additional spaces)	R	08/09/1995
0893/0569	Conversion of garages to six en-suite bedrooms and meeting room	A	30/11/1993



0999/0612	Leisure pool building, 5 no. holiday lodges and modifications to access drive.	A	17/03/2000
05/00303/LBALT	Alterations to listed building - Re-leading of roof of the central turret	PERC	03/06/2005
05/00354/LBALT	Alterations to listed building - Internal alterations to facilitate provision of 6 no. en-suite facilities	PERC	22/06/2005
07/00130/VCOND	Continuation of use of leisure pool building without compliance with Condition 13 of planning permission 0999/0612 (exclusion of general public)	PERC	21/03/2007
08/00382/FUL	Engineering operations to facilitate formation of paved terrace area	REF	03/09/2008
10/00647/FUL	Conversion of offices to dwelling at Derwent House with associated incorporation of land into garden and fencing, conversion of Mews Building to provide offices including insertion of windows	PERC	18/02/2011
10/00648/LBALT	Alterations to listed building - Internal and external alterations to Mews Building to facilitate conversion to offices	PERC	11/11/2010
12/00146/LBALT	Alterations to listed building - Reroofing of east wing, concert room and stair roofs and replacement of existing rooflights	PERC	18/04/2012
13/00303/LBALT	Alterations to listed building - Replacement roof covering to west wing and kitchen and replacement of existing rooflights	PERC	02/07/2013
15/00862/LBALT	Internal alterations to first floor bedrooms and new external waste pipe	PERC	25/01/2016

## 5.0 CONSULTATION RESPONSES

### Cromford Parish Council

- 5.1 It was agreed that in principle there was no objection to the change of use and it was welcomed that this important building and grounds would have an assured future. However, there was a concern that the application was very sparse on information on how the grounds would be used. The Manor Adventure website and their promotional video mentioned or showed items such as a tented village, fixed high ropes, zip wires, abseiling wall etc – all of which could in their opinion have an unfortunate effect on the setting of the Listed Building and the grounds which are on the National Register of Parks, Gardens etc.

Since then it is noted that the agent has submitted further details (11th February) showing the areas of proposed activity and in his letter the type of activities to be carried out. However the Manor Adventure website has not been changed and so we still have the same concerns. They would be grateful if officers could confirm whether development of the items listed above (such as a tented village, fixed high ropes, zip wires, abseiling wall etc) and any similar would be permitted development or would require planning approval, given it is within the curtilage of a Listed Building and in a Registered Park, Garden etc

They have also carried out further enquiries about the activities that Mr. Yarwood mentions in his letter as having historically taken place at Willersley under the Methodist Guilds brand. As a result the Council would query the assertion about climbing and abseiling which were probably more permissive (local climbers) than organised for holidaymakers at Willersley. Additionally, the Fly Fishing Club currently leases the river fishing rights from the Willersley estate, and the only canoeing permission given is for the annual raft race. There is in fact an ongoing dispute between the fishing club and the canoeing organisations about this.

#### Environment Agency

5.2 No response to consultation received.

#### Lead Local Flood Authority

5.3 No comments.

#### Derbyshire County Council (Highways)

5.4 No objections in view of existing consented use of site.

#### Derbyshire County Council (Cycling and Walker Networks Officer)

5.5 Would like to see provision for a section of the strategic White Peak Loop through the site for walkers, cyclists and horse riders (if they can be safely accommodated) to connect with the proposed Greenway south through Scarthin Rock and Cromford Meadows and north to Matlock Bath and Matlock. This leads directly onto a completed section of the White Peak Loop which is available for pedestrians and cyclists, initially along a shared footway/cycleway alongside the A6, before joining a purpose built trail opposite Arc Leisure Centre and continuing through to Rowsley. The White Peak Loop is a significant part of Derbyshire's Key Cycle Network and when complete will provide a new 60 mile iconic leisure / sustainable travel circuit connecting the Monsal and High Peak Trails into Bakewell, Buxton, Cromford and Matlock. Currently one of the key missing gaps is from High Peak Junction near Cromford to Matlock Railway Station and should be recognised in the Travel Plan for the development. They would welcome the opportunity for further discussions regarding the best alignment and specification for the route with the new owners.

#### Derbyshire Wildlife Trust

5.6 No response received on the further information submitted.

#### Natural England

5.7 Having reviewed the further information submitted it is believed that it would be unlikely that a significant effect (on the SAC or SSSI) would occur as a result of this development. In relation to the Peak District Dales SAC to meet the requirements of the Habitats Regulations, it is advised that the Council record the decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision: Because there is no overlap between the proposed activity areas and the SAC, and due to the nature/scale of the proposal, the qualifying features of the SAC will not likely be impacted by the development.

#### Historic England

5.8 They understand that Willersley Castle has ceased use as a hotel and been unused for some time and considers it very important to secure an appropriate use for this highly graded listed building and its associated grounds, compatible with its conservation, to secure its long-term future. The supporting information indicates that there would be no changes to the highly graded listed building beyond upgrading existing en-suite facilities or, at this stage, development within the grounds. The proposed use itself, in many ways, would be similar to the previous use, and we would have no objection to the proposed change of use on this basis, provided it would not necessitate any potentially harmful change. It is noted that the Planning Statement infers that development proposals may be proposed in the grounds in

the future. In our view, it would be sensible and reasonable to require the applicant to make clear the longer term intentions with regard to possible further development or alterations, as this has a bearing on the appropriateness of the use.

As your authority is aware any changes to Listed Buildings which would alter their character as a building of special architectural and historic interest would require listed building consent. Similarly, any development within their setting may require planning permission. Your authority will therefore need to be satisfied that you have sufficient information to determine the current application. If further physical changes to facilitate the change of use are needed, requiring listed building consent and/or planning permission, then we advise that applications are submitted and considered in tandem with the proposed change of use application to enable a full assessment of the potential impact of the proposed scheme. If your authority decides to grant permission on the basis of the current information, we would recommend attaching an informative that makes it clear that any future proposals for alterations to the building or development within its grounds will be considered on their merits. If such proposals are essential for the operation of the proposed use, the applicant should be advised to seek permission/consent before acquiring the property.

Historic England has concerns regarding the application on heritage grounds as outlined above. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Based on the additional information submitted there are no objection to the application on heritage grounds, provided it would not necessitate any potentially harmful change.

#### Woodland Trust

- 5.9 The additional information submitted as part of this application has been reviewed, in particular in relation to infrastructure, and the location and supervision of activities. In view of the information provided they would like to withdraw their initial objection to this application.

#### Conservation Officer (Derbyshire Dales)

- 5.10 The intended new use of the Castle and associated buildings will be similar to the previous use and in this regard, and based on, and subject to, the clear statement as made in the submitted Supporting Statement, the proposed change of use would not be objectionable. However, a schedule of works for the proposed 'upgrading' to each of the en-suites would be required via a condition on any approval (and may possibly also require an application for Listed Building Consent). Whilst it is acknowledged that the Supporting Statement states that "*no development or alterations are proposed at this stage which would affect the surrounding parkland*" it is noted that Historic England considers it "*sensible and reasonable to require the applicant to make clear the longer term intentions with regard to possible further development or alterations, as this has a bearing on the appropriateness of the use*". This is considered to be an appropriate requirement. The Conservation Officer concurs with Historic England advice that whilst the proposed new use of the buildings is not objectionable there are potential elements of that intended use, as outlined above (of the buildings and to the site/grounds) that raise some concerns at this stage on this stand-alone application.

#### Archaeology

- 5.11 Having considered the available information it is advised that the proposals do not appear to damage the known or potential archaeological interest. On this basis no objection to the

application is raised and there is no reason to impose any archaeological requirements upon the applicant.

#### Landscape and Arboriculture Officer (Derbyshire Dales)

- 5.12 All of the site lies within a Conservation Area and World Heritage Site. Much of the site is also designated Ancient Woodland and SSSI. It is therefore essential that any proposals that may impact the grounds are fully assessed.

The submitted Supporting Statement states:

‘...no development or alterations are proposed at this stage which would affect the surrounding parkland.’

The proposals therefore appear to present no risk to the existing landscape character and appearance or trees in the grounds and therefore there are no objections to the proposals.

#### Environmental Health (Derbyshire Dales)

- 5.13 There are no objections subject to the conditions relating to submission of a noise mitigation scheme and external lighting.

#### Derbyshire Force Designing Out Crime Officer

- 5.14 There are no objections to the proposed change of use from hotel to a children’s residential and education centre.

#### Cllr Purdy

- 5.15 This application represents a major change not only to the use of Willersley Castle but by the proposed use and activity it could have a major impact on the villages of Willersley and Cromford. As soon as I was alerted to a website listing by the applicant some months ago, and before any knowledge with regard to any planning application, I thought best to ask for this application to go to Planning Committee because of the sensitive and heritage assets of Willersley Castle and it’s unique setting within the UNESCO Derwent Valley World Heritage site and within the Cromford Conservation area.

The UNESCO Inscription is of extreme importance and needs to be valued and respected by all, especially the new owners. I have been contacted by a number of people since I asked for it to go to Committee ranging from nearby residents in the hamlet of Willersley, rock climbers and canoeists. I have listened to the concerns ranging from historical rights of access into Willersley grounds, historic access to water supply to properties in Willersley from the Castle, historic access to climbing the nearby crabs/tors and access to the river have had to advise that in the first instance they should make their feelings and support or objections known to the Planning Dept, but from what I have heard I have also had to advise that in my opinion such matters are out of the control of the Planning Dept and may come down to a point of negotiations with the owner.

I have no objection in principle but would ask Officers to very carefully consider this application in the context of its heritage assets in order to preserve for now and in the future the setting and within the World Heritage site, and apply any conditions that are considered appropriate, and this includes the external and internal fabric of the building and the parkland setting.

## **6.0 REPRESENTATIONS RECEIVED**

- 6.1 A total of 50 representations have been received with two in support. Whilst, many have no objection to the change of use their concerns are outlined below:

- a) The British Mountaineering Council (BMC) has an interest in this site for its recreational amenity, in particular Wildcat Crags which sit within the land boundary.
- b) The crags form an important public amenity with long established informal access for climbing on the crags (since the first routes were established in 1948).
- c) The BMC would not want to see loss of this significant and long standing resource in the future as a consequence of the change of use.
- d) Derwent Mountaineering Club is centred in Matlock / Cromford / Wirksworth area and therefore has a strong interest in Wildcat Crag which in many respects is their 'home crag'.
- e) Oread Mountaineering Club has concerns with regard the access to the crag.
- f) In UK climbing terms, the crag is in many respects unique and is an asset of national significance.
- g) Access to Wildcat Crags would be a huge loss to the climbing community as it is favourite of the midlands climbing community.
- h) A local climber has visited the main crag since 1976 and never been challenged with the main access point where Lovers Walk path meets a broken section of wall.
- i) There are well established footpaths above and below the crag showing it is well used.
- j) There has been a very amiable relationship between climbers and land owners throughout the UK with careful access agreements – routes in, litter picking, parking etc.. to keep access without damage and in many cases improvements to the environment and the BMC management such agreements.
- k) Removing access to climbers will be detrimental to the local community and contrary to Policies HC14 and HC17, therefore a condition to include an agreement for access is required.
- l) Climbers should be considered as stakeholders with their access maintained.
- m) According to documented climbing guides climbing on the crag has taken place since at least 1955.
- n) A climbers BMC guidebook states the first climb recorded at Wildcat Crags was Cougar Cleft in 1948.
- o) A climber from Nottingham feels privileged to have access to beautiful places such as wildcrag and it would be such a shame for this to discontinue.
- p) Their objection would be removed if a clause to maintain access to the crag from the river and to continue to allow climbing could be agreed on.
- q) There are c.9,500 logged ascents of routes of the crag to date.
- r) Removing access to the crag is not in the spirit of adventure and education the owners purport as their reason for the change of use.
- s) To remove access for monetary gain would be abhorrent.
- t) The crag is important for climbers operating in the lower grades, multi pitch routes and practice traditional climbing.
- u) It has been heard that the new owners plan to fence around Wildcat Crags.
- v) Are there any plans to allow public access to the plans beside the River Derwent.
- w) The owners of Yew Tree House are reliant on the continued usage of water from Riber spring which is a condition on their property's deeds.
- x) As owners of neighbouring properties they have been permitted access to the grounds for over 20 years as it is the only safe way for them to walk to Cromford as there is a dangerous bend with no footpath on Willersley Lane.
- y) The new owners have said this access would be restricted due to safeguarding of the children and fencing to secure the perimeter may be required.
- z) It is a great shame that most of the public are forced to walk down the A6 rather than through the castle grounds to Cromford Meadows as it is much more pleasant and safe and this should be a public right of way.
- aa) Restricting access to the crag would reduce visitors to Matlock for this amenity.
- bb) To close off access to the public and fence them off would set a precedent for other landowners to close areas citing private use reasons.
- cc) Scotland's Right to Roam laws need to be implemented in the rest of the UK as our trespass laws are updated and need reassessing.

- dd) The riverside path through the castle grounds from Cromford Bridge to Derwent Gardens in Matlock Bath is not a public right of way but a concessionary path used by permission of the landowner for many decades by anglers, the local community and visitors and there is a gate in the boundary wall at Derwent Gardens with some locals and hotel residents given the key.
- ee) There is a worry that this access will be lost and the gate locked.
- ff) The riverside path has many benefits as it is shorter, more pleasant and allows people to view the important weir at Masson Mill and previous owners let residents have keys to the gate.
- gg) The path is shown on Derbyshire County Council cycle network map as the line of a potential Derwent Valley cycle route.
- hh) Public use of this path would enhance security of the proposed activity centre through natural surveillance.
- ii) It would be a tragedy if the Willersley grounds took on the look of a theme park with structures that are not in keeping with the heritage landscape or in compliance with the conservation area and listed building status.
- jj) What constraints to avoid structures in the ground will be placed on the owners and how will the impact on the natural environment through increased activity be mitigated.
- kk) Any damage to ecology and the Special Conservation Area (SAC) would be contrary to Policy PD3.
- ll) The impacts of lighting and the use of the building for bats should be assessed.
- mm) The proposed use would generate increased coach traffic with no provision for parking and turning provided and access over a narrow and busy bridge.
- nn) The website advertising the centre offers accommodation for up to 210 students including a 70 person tented village as opposed to the 43 bedrooms, accommodating 71 persons of the previous hotel use.
- oo) There is no indication on the floorplans where all the outdoor equipment would be stored.
- pp) An historic note on the Council's website of the access through the gate at Willersley being given by the gardener.

#### Support

- qq) The site and activities will be a life changing inspiration for hundreds of school children each year that visit Willersley.
- rr) Support the change of use to a children adventure centre and feel this a perfect environment for children to experience outdoor activities within the safe confines of Willersley's grounds.
- ss) The development will bring additional employment and will benefit local businesses in Cromford and Matlock Bath, also Cromford Mill as children will be given the opportunity to learn of its history.
- tt) It will be good to see investment in the maintenance of the building and grounds as it has suffered from lack of investment for many years.

## **7.0 OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

- Principle of development
- Impact on heritage assets
- Highway safety
- Impact on ecology and woodland
- Impact on residential amenity

#### Principle of development

- 7.1 The site is within the countryside and represents the sustainable growth of tourism and involves recreational uses in a sustainable location whereby an existing building would be

re-used that has an exceptional positive contribution to the area and wider landscape. The proposal as such is in accordance with Policy S4.

- 7.2 The building and grounds have an established use as a hotel which is a C1 use class. The proposal involves utilising the castle and mews buildings for a residential outdoor pursuits centre for children and whilst there is an educational element it is focused on physical activities and team building for children which does not comfortably fall within a C2 use class. The building has been vacant for at least two years when the hotel use became no longer viable. This proposal seeks to re-use the building for a similar use albeit more focused on adventure elements for children. The proposal rather than a community use is a tourism use with the resultant benefits to the local economy and wider district and the Peak District National Park. Furthermore the proposal would bring a very important historic building back into use. Therefore, the proposal in assessment against policy EC8 would strengthen, expand and support the tourism role and offer of the district and would retain existing serviced accommodation close to the third tier accessible settlement of Cromford. It is on this basis that the principle of the change of use is considered compatible with the tourism aims of the district in accordance with part of Policy EC8.
- 7.3 This policy goes on to state that when the principle is acceptable the proposal must be of a scale and nature that is appropriate to its location, support rural tourism and there is no detrimental impact on the character and appearance of the local landscape and / or nearby settlement. These assessments are detailed below.

#### Impacts on heritage assets

- 7.4 Policy PD2 seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character of the built and historic environment. It states that any proposed works should be informed by a level of historical, architectural evidence proportionate to their significance. Extensions and alterations are required 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. The application documentation confirms that no alterations to the fabric of the building are proposed.
- 7.5 The original submitted application included limited information on the activities or any associated structures that would be required. This has now been rectified by the submission of a schedule of activities and map showing the areas where these will be undertaken.
- 7.6 It is considered that a sympathetic conversion of the building is acceptable given its use/last use as a hotel. As a grade II\* listed building it is advised that guidance is sought from the Local Planning Authority for any subsequent external or internal alterations / changes to the listed buildings . With regard to the grounds and parkland associated with the building, whilst there may be some scope for activities and associated structures/equipment, this would have to be provided, located and be of a type and scale in such a manner that would not have a harmful visual / physical impact on the special historic character and appearance of the listed building and its setting, the Registered Historic Park and Garden, the Conservation Area and the World Heritage Site. The submitted information specifies that for the 'Riverside Meadow Area 2' which is the whole of the grounds to the south of the castle that slope down to the river, activities would be casual recreation, organised exercise, archery with no fixed equipment to be located in the area.
- 7.7 In terms of 'recreational area 1' that is on significantly higher land to the north east of the castle and screened from the open parkland and buildings by mature woodland provision of occasional use for tented accommodation is proposed. The use of this land on a temporary basis for tents is considered acceptable. The applicant's Manor Adventure run four existing

centres in Norfolk, Shopshire, Powys and Dumfries and Galloway and two in France with the majority in historic buildings. The applicant's website currently advertises Willersley and includes images of climbing walls and high ropes courses, however, no details of these activities are included within the recent submission which specifies activities and areas. Such structures would not constitute permitted development as they are not movable structures and would require a separate grant of planning permission.

- 7.8 The applicants have clarified that such structures would not be erected at Willersley and in light of the submission of this further information, there is now a confidence relating to what associated activities would be undertaken and where they would take place on site. Any future plans to expand the recreational offer through fixed equipment would require a separate planning permission and an assessment of views of such facilities from the immediate, surrounding and wider area, contextually with Willersley Castle, would need to be undertaken to assess harm to the significance of the heritage assets should that transpire.
- 7.9 The intended new use of the Castle and associated buildings would be similar to the previous use and in this regard, and based on, and subject to, the clear statement as made in the submitted Supporting Statement, the proposed change of use would not be objectionable. However, a schedule of works for the proposed 'upgrading' to each of the en-suites will be required via a condition on any approval (and may possibly also require an application for Listed Building Consent).
- 7.10 The Supporting Statement states that "*no development or alterations are proposed at this stage which would affect the surrounding parkland*". It is noted that Historic England considered it "*sensible and reasonable to require the applicant to make clear the longer term intentions with regard to possible further development or alterations, as this has a bearing on the appropriateness of the use*". This is considered to be an appropriate requirement and the additional information enables the control of uses to be restricted by condition in order to control any harm and provide suitable reassurance that nothing other than temporary structures than are restricted to short timescales would be permitted as part of this permission. It does not allow the erection of activity structures within the grounds of this listed building which are a Registered Historic Park and Garden within the World Heritage Site in Cromford Conservation Area. On this basis, the proposal is considered to accord with Policy PD1 and PD2 subject to conditions.

#### Highway safety

- 7.11 Policy S4 requires that safe access be provided and the proposal would not generate traffic of a type or amount which cumulatively would cause severe impacts on the transport network or require improvements or alterations to rural roads which could be detrimental to their character. Policy HC19 requires that development does not increase on-street parking, sufficient parking provision based on the assessment of parking needs. The Highways Authority has reviewed the submitted information and have no objections based on the existing permitted use as a hotel.

#### Impact on Ecology and Woodland

- 7.12 Natural England and the Woodland Trust originally objected to the proposal due to the lack of information of activities and their potential impacts on the SAC and ancient woodland. The additional information has overcome these objections as it specifically states that for the SSSI, SAC and Ancient Woodland there would only be "rock climbing, abseiling and guided walks all on a supervised basis" which accords with the historic uses within these areas and would not intensify this use. It also states that "none of the activities will involve the introduction of any fixed equipment. No access to this area will be allowed other than



under supervision by qualified persons. All access will be on established footpath routes and no trees will be affected in any way whatsoever". Both Natural England and the Woodland Trust are satisfied with this information and statement and the stated activities and where they are undertaken shall be controlled by condition. It is on this basis that a likely significant effect on the SAC can be ruled out with the justification that there is no overlap between the proposed activity areas and the SAC, and due to the nature/scale of the proposal, the qualifying features of the SAC will not likely be impacted by the development. The proposal is therefore considered to accord with Policy PD3 and the relevant ecological and environmental legislation. The agent has advised that the applicants' are seeking to engage in discussion with the Woodland Trust and Derbyshire Wildlife Trust to investigate opportunities to improve the condition of the woodland, protect ancient trees, enhance priority habitats and secure a net gain in biodiversity.

#### Impact on residential amenity

7.13 Policy PD1 relates to design and place making which requires development proposals to achieve a satisfactory relationship with adjacent development and 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. The nearest neighbouring property from the recreation area 1 is Hideaway Cottage which lies 111 metres distance away from the area and screened by intervening woodland together with a high stone wall. The Environmental Health Officer has identified that noise and lighting require control in order to sufficiently mitigate any impacts of the proposed use on the residential amenity of neighbouring properties and conditions are recommended on this basis to ensure compliance with Policy PD1.

#### 7.14 Other matters

The vast majority of representations received have stated that whilst they have no objection to the proposed use and welcome and support it, it is the access to the Wildcat Crag for climbers, continued use of the riverside walk with key access for local residents together with access over the grounds for neighbouring cottages to the north for a route to Cromford and securing the requirement of their private water supply that are points of contention. It must be stated that planning permission does not override issues in respect of land ownership, rights of access and legal covenants. It is however, on this basis that it is not within the scope of any planning permission to secure by condition these rights over what is private land. It is acknowledged that access has been granted for use of the crag and land for many years but the fact remains that it is private land and it is for the owner of this land and relevant parties to negotiate over these rights of access. Having said this the agent has confirmed that the applicant (Manor Adventures) have been positively engaging in negotiations with various organisations such as Paddle Peak, Derbyshire County Angling Club, Matlock Raft Race and the British Mountaineering Council to discuss controlled access to the grounds and to support the local community.

7.15 Furthermore in relation to the County Council's aspiration to complete the section of the strategic White Peak Loop through the site for walkers, cyclists and horse riders, it is for the County Council to approach the owner to negotiate this route as it would create a public right of way across private land whereby there are processes and procedures to follow that are outside the remit of this application and planning as a whole. It is not considered appropriate to condition a travel plan for a proposal that differs little from the previous consented use in highway terms.

#### Conclusion

7.16 The proposal involves a change of use with no alterations to the fabric of the listed buildings and no associated structures within the grounds which is a Registered Historic Park and Garden that would cause harm to these high level heritage assets or ecological habitats and ancient woodland. The proposal would bring this prominent and important historic building back into use within a sustainable location that would support and expand the tourism offer of the district and wider area. As such the proposal is considered to accord with the aims of local plan policies and the granting of permission is recommended.

## 8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions.

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. This consent relates solely to the 1:2500 scale site location plan, parking and manoeuvring – existing and proposed plan, existing and proposed floorplans, mews existing and proposed floorplans and the agent's letter dated the 10<sup>th</sup> November 2021 and the agent's letter with the accompanying activity area schedule and activity area plan received by the Local Planning Authority on the 10<sup>th</sup> February 2022.

Reason:

For the avoidance of doubt.

3. Prior to the installation of any en-suites a schedule of works for the proposed 'upgrading' to each of the en-suites shall be submitted and approved in writing to the Local Planning Authority and works implemented in accordance with the approved details.

Reason:

In the interests of preserving the character and appearance of the interior of the listed building in accordance with Policy PD2 of the Adopted Derbyshire Dales Local Plan (2017).

4. Prior to the occupation of the building for the permitted use, a noise mitigation scheme shall be submitted and approved in writing by the Local Planning Authority detailing measures that shall be implemented. The scheme shall thereafter be implemented in full before the development is brought into use.

Reason:

To ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

5. No floodlighting/external lighting shall be installed within the site without the prior approval of the Local Planning Authority.

Reason:

In the interests of visual amenity in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

6. The use hereby permitted shall ensure only for the benefit of Manor Adventure and for no other person, persons or organisations and shall not ensure for the benefit of the land.

Reason:

The Local Planning Authority is only prepared to grant permission having regard to the special circumstances of the applicant in this case.

7. This permission restricts the uses permitted within the activity area 'SSSI and Ancient Woodland' to those specified in the activity area schedule submitted on the 10<sup>th</sup> February 2022 with the area defined on the activity area map.

Reason:

To restrict activities within this protected area in the interests of ecology and tree protection in accordance with Policies PD3 and PD6 of the Adopted Derbyshire Dales Local Plan (2017).

8. Notwithstanding the submitted details, prior to the site being brought into use a full schedule of the proposed recreational usage of the grounds, including the timing and duration of usage and the nature of any associated equipment, shall be submitted to and agreed in writing by the Local Planning Authority. The usage shall then accord with the approved details.

Reason:

To retain control over the ancillary usage of the grounds and to ensure that development has appropriate regard to the context of the Registered Historic Park and Garden and the setting of Willersley Castle.

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to activities within the SAC, ancient woodland and any associated built development within the grounds.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

Any future proposals for alterations to the building or development within its grounds should be discussed with the Local Planning Authority in order to establish whether permission / consent is required and any submissions will be considered on their merits.

Historic England highlight that a Management Plan for the designed landscape at Willersley Castle was produced in 2015 as part of the publicly funded DerwentWise Project. A digital copy of this work can be obtained from the Conservation Team at Derbyshire County Council.

This decision notice relates to the following documents:

Location plan of a scale of 1:2500,

Parking and manoeuvring – existing and proposed plan,

Existing and proposed floorplans,  
Mews existing and proposed floorplans,  
Agent's letter dated the 10<sup>th</sup> November 2021,  
Agent's letter with the accompanying activity area schedule and activity area plan received  
by the Local Planning Authority on the 10<sup>th</sup> February 2022.

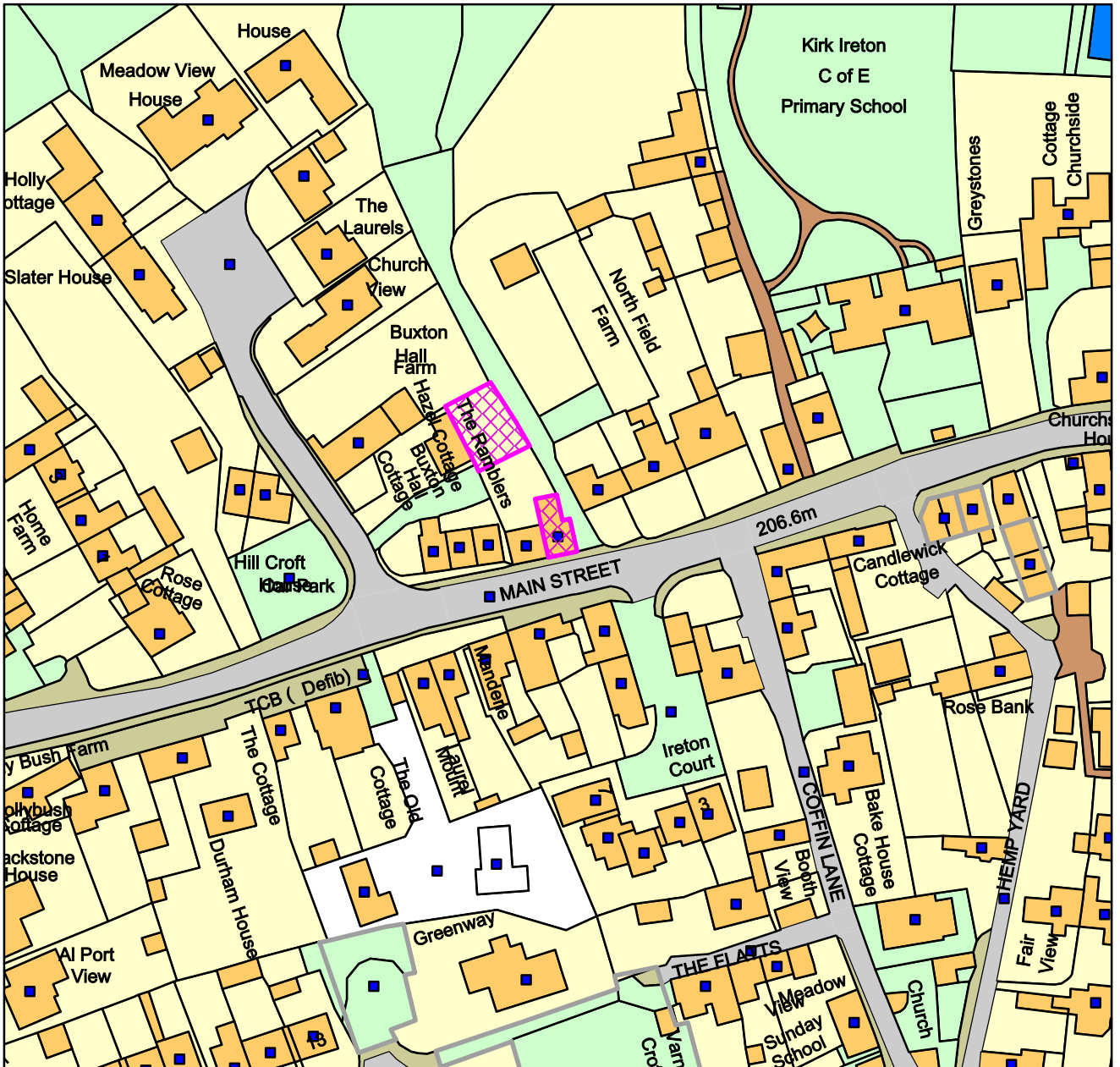
<b>APPLICATION NUMBER</b>		21/01521/FUL	
<b>SITE ADDRESS:</b>		Buxton House, Main Street, Kirk Ireton, Derbyshire DE6 3JP	
<b>DESCRIPTION OF DEVELOPMENT</b>		Replacement windows and erection of detached garage	
<b>CASE OFFICER</b>	Heaton Planning	<b>APPLICANT</b>	Mr S. Smedley
<b>PARISH/TOWN</b>	Kirk Ireton	<b>AGENT</b>	Mr Brian Reid
<b>WARD MEMBER(S)</b>	Cllr. Bright	<b>DETERMINATION TARGET</b>	16 <sup>th</sup> February 2022 (EOT – 10 <sup>th</sup> March 2022)
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	More than 5 unresolved objections received	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	To assess the impact of the development on its surroundings

<b>MATERIAL PLANNING ISSUES</b>
<p>Impact on the character and appearance of the existing dwelling and its surroundings</p> <p>Impact on heritage assets</p> <p>Impact upon residential amenity</p> <p>Highway impacts</p>

<b>RECOMMENDATION</b>
Approval with conditions

21/01521/FUL

Buxton Lodge, Main Street, Kirk Ireton



Derbyshire Dales DC

Date: 23/02/2022

100019785

1:1,250

Crown Copyright and database rights (2018) Ordnance Survey (100019785)  
Derbyshire Dales District Council,  
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.  
Telephone: (01629) 761100.  
website :www.derbyshiredales.gov.uk

## 1. THE SITE AND SURROUNDINGS

- 1.1 The application property is an end of row cottage in a prominent position within the Kirk Ireton Conservation Area. The property fronts Main Street, following the same, general linear pattern of two storey buildings and has a narrow frontage. A vehicular driveway lies to the (east) side of the property giving access to a garden and parking area to the rear, physically separated from the cottage by the parking space associated with neighbouring Buxton Cottage to the west. The size of the development plot (garden and parking area) is approximately 135m<sup>2</sup>. Buxton House and neighbouring properties which front Main Street sit at a lower level to the existing parking area to the rear.
- 1.2 The application site is located within Kirk Ireton Conservation Area and close to several heritage assets including:
- Grade II Listed Buxton Hall - Neighbouring property to the north west)
  - Grade II Listed The Manor House – Approximately 14 m east of the site
  - Grade II Listed Northfield Farmhouse and Garden Wall – Approximately 25 m east of the site
- 1.3 Public right of way 'Kirk Ireton FP 19' runs along the private access road adjacent to the property to the east.



**Photo 1:** Southern elevation of Buxton House fronting Main Street showing the windows to be replaced and the private access track / PROW



**Photo 2:** View of the existing garden and parking area stood on the hardstanding area used as parking

## **2. DETAILS OF THE APPLICATION**

- 2.1 Planning permission is sought for two elements: the replacement of UPVC windows on the front elevation of the property and introduction of stone cills, and the erection of a detached garage within the existing garden and parking area to the rear of the property. The proposed garage is to be 5.65 m (w) x 7.8 m (l) x 4.6 m (h) using internal wall measurements and eaves height. The gross floor space is therefore approximately 44.07 m<sup>2</sup>.
- 2.2 This planning application comprises a re-submission of planning application reference 21/01186/FUL which was withdrawn on 17<sup>th</sup> November 2021 by recommendation of the case officer. The previous development was considered to be over-development of the garden/parking plot and thus contrary to parts a) and b) of Policy HC10 of DDDC Local Plan. The size of the proposed detached garage has thus been reduced in length along the northern elevation from 10.9 m to 7.8 m.

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

- 3.1 Adopted Derbyshire Dales Local Plan 2017  
PD1 Design and Place Making  
PD2 Protecting the Historic Environment  
HC10 Extensions to Dwellings  
HC21 Car Parking Standards
- 3.2 Kirk Ireton Neighbourhood Plan (KINP) (July 2021)  
Policy P1 Development  
Policy P2 Protecting Views  
Policy P3 Conservation Area
- 3.3 Other:  
The National Planning Policy Framework (2021)  
National Planning Practice Guide  
Kirk Ireton Conservation Area Appraisal (April 2014)



#### 4. RELEVANT PLANNING HISTORY

T/21/00080/TCA	Remove 1no. Sycamore tree (T1), 1no. Norway Spruce (T2) and a mixed hedge (Conifer and Holly mix)	PERC	22/06/2021
21/01186/FUL	Replacement windows and erection of workshop	WITHD	

#### 5. CONSULTATION RESPONSES

##### 5.1 Design and Conservation Officer:

###### Workshop

The proposed new detached (single-storey) workshop is to be approx. 8m x 6m and is to be clad on all sides with 'Birchover natural split-faced stone in random lengths with flush pointing'. The openings will have 'natural gritstone lintel heads'. The roof is to be dual pitched and covered in 'reclaimed Staffs blue roof tiles'. There are to be two conservation type (recessed/flush-fitting) rooflights to the west facing roof slope. There are to be 'no fascia or bargeboards'. The proposed rainwater goods are not specified. The north, south and west elevations are all to be blank. The east (front) elevation is to have a personnel door (plain, solid, boarded) and a garage door. The garage door is not specified.

It is considered that such a plain and simple outbuilding, in the location as proposed (and adjacent to another recent outbuilding, to the west) would be acceptable in this particular position/location within the Conservation Area. However, it will be important that the detailing of the building is appropriate and correct and to this end the following comments are made—

- A condition should be imposed, on any approval, requiring a sample of the proposed stone (type, quarry source, colour/texture and finish etc.) made available for approval;
- A condition should also be imposed requiring a sample panel (2 sq.m) of the stonework (including the corner detailing and pointing) for approval;
- A sample of the 'reclaimed' roof tiles should be submitted for approval;
- The roof verge detail is specified as 'cutt verge with black putty pointing'. Details/sample of this and its character & appearance etc. should be required via a condition on any approval;
- The rainwater goods should be of black painted metal (not upvc) and affixed using traditional rise & fall brackets;
- The doors (personnel & garage) should be painted a dark, recessive, colour (to approval);
- Constructional details of the doors (personnel & garage) should be submitted for approval, via a condition. Ideally, the garage doors should be of solid, boarded painted timber and should be side-hinged and outward opening.

Subject to the above, it is considered that the proposed development would not be harmful to this part of the Conservation Area.

###### Windows

The current window frames to the front elevation of the house are double-glazed white upvc (with top-openers and plastic strips mimicking glazing bars). The proposal is to replace these two front windows with new, double-glazed, upvc windows to a different type/pattern. It is also proposed to introduce new stone cills to each window and recess the new frames by 100mm.

The submitted drawing – 'Proposal Elevation' – states that the replacement windows will "cream pvc sash matching locality and recess 100mm in rebate". The drawing shows sash

type windows and a glazing pattern of 3 over 3. No horns are proposed. It is considered that the proposed replacement upvc windows, in their colour, pattern and type (including the new stone cills) will be an improvement to the front elevation of the property. Furthermore, in order to ensure the detailing of the replacement windows is acceptable, constructional details (vertical & horizontal sections etc.) of the two windows should be submitted via a condition, on any approval.

## 5.2 Kirk Ireton Parish Council

Object to the proposed development on the following grounds:

Councillors consider that the proposal does not meet with criteria set out in the Neighbourhood Plan in particular the scale of the proposed workshop which will result in the loss of amenity to the cottage, loss of garden, loss of parking space and turning area for vehicles and the associated road safety issues and increased on street parking that this may generate. It is noted that there are no heights shown on the plans.

## 6. REPRESENTATIONS RECEIVED

6.1 The application has received 17 objections from neighbours, residents of Kirk Ireton and other interested parties which predominantly concern the erection of the garage and reiterate previous objections submitted in relation to the previous planning application (21/01186/FUL). A summary of the objections is provided below:

- Contrary to the Kirk Ireton Neighbourhood Plan policies
- Poor access to/from the application site which would be exacerbated
- Contrary to National Planning Policy
- Over-development of the plot in terms of size and scale
- Danger to footpath users during construction and use of the garage/workshop
- Visual impact upon neighbouring properties and users of the adjacent Public Right Of Way
- Setting a precedent for change of use development
- Commercialisation of the site and the village
- Habitat destruction and loss of biodiversity
- Noise pollution for neighbouring properties due to the nature of the development
- Missing information within the planning application submission
- Industrial use is inappropriate for the site
- Incorrect illustration of the physical extent of Buxton House on the site plan
- Impact upon the character of the Public Right Of Way
- Out of keeping with the host property
- No details on drainage or connection to mains supply
- Impact upon foundations of adjacent building associated with Buxton Hall

## 7. OFFICER APPRAISAL

7.1 The assessment of the proposals is split into two parts in order to differentiate between the replacement windows and the erection of a garage/workshop.

7.2 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of a high quality design that respects the character, identity and context of townscapes and landscapes; and requires development that 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. Policy PD1 also requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution, or other adverse impacts on local character and amenity.

- 7.3 Policy PD2 of the Adopted Derbyshire Dales Local Plan requires that development proposals in Conservation Areas demonstrate how the proposal has taken account of the local distinctive character and setting of the Conservation Area and how this has been reflected in the layout, design, form, scale, mass, use of materials and detailing, in accordance with Character Appraisals where appropriate.

*Replacement windows and introduction of stone cills*

- 7.4 It is considered that the existing, white UPVC windows detract from the visual amenity of Buxton House, and the wider Conservation Area, being a modern replacement which is un-sympathetic in colour, material and design to the historic property which is aged as 18<sup>th</sup> century within the Kirk Ireton Conservation Area Appraisal (2014) map titled 'Building Chronology'. The Conservation Area Appraisal (2014) states that 'plastic windows and doors are untraditional in their character and appearance, even in instances where these try to mimic historic designs'.
- 7.5 Policy P3 (Conservation Area) of KINP (2021) requires development to, inter alia, 'promote, reinforce and enhance the area's local distinctiveness and be sensitive to the heritage context'. Guidelines to Policy P3 discourages the use of replacement UPVC windows and doors, especially in old properties.
- 7.6 Minor alterations to windows fall within permitted development rights in a conservation area, which provides a meaningful fall-back position to be considered alongside the proposals. Although replacement UPVC is discouraged within the KINP (2021), it is considered that the colour and design of the proposed replacement windows provides an overall improvement to the existing situation and mirrors the historic design of the windows.
- 7.7 As set out in the comments received by the Design and Conservation Officer, and subject to various control conditions relating the building materials, it is considered that proposed replacement UPVC windows, in their colour, pattern and type (including the new stone cills) will be an improvement to the front elevation of the property.
- 7.8 Previous appraisal of the replacement windows by the Conservation Officer recommended a minor amendment to remove the window horns. This has been reflected in the plans supporting this application (reference Elevation Plan).
- 7.9 Therefore, with the imposition of planning conditions, this element of the planning application is considered to be in accordance with the Development Plan and Kirk Ireton Conservation Area Appraisal.

*Erection of a garage to the rear*

Impact on heritage assets

- 7.10 The proposed garage/workshop is to be constructed using coursed, gritstone matching the existing property with flush pointing and natural gritstone lintel heads. The roof tiles are to be reclaimed Staffordshire blue, which is a common roof tile found within Kirk Ireton Conservation Area, with a cut verge and black putty pointing. Rooflights are to be velux conservation windows recessed into the roof. The workshop door is to be dark painted timber. The garage door materials are not specified. The gritstone wall following the northern, western and north eastern boundary of the site is to be re-built, with an additional section of gritstone wall built to curve inwards along the eastern boundary as a splayed access for vehicles. Cover planting is proposed in the north eastern corner of the site. The surface of the parking area is to be tarmac with SUDs.

- 7.11 Policy P3 (Conservation Area) of KINP (2021) requires development proposals to promote, reinforce and enhance the area's local distinctiveness and be sensitive to the heritage context in terms of design, materials, scale, massing, density, light pollution and access.
- 7.12 Paragraph 202 of the National Planning Policy Framework (2021) states 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".
- 7.13 As set out in the comments received by the Design and Conservation Officer, and subject to various control conditions relating the building materials, it is considered that the design of such a plain and simple outbuilding, and proposed materials, in the location as proposed (and adjacent to another recent outbuilding, to the west) would be acceptable in this particular position/location within the Conservation Area. There would, therefore, be no harm to the significance of the identified heritage assets.
- 7.14 Therefore, the planning application is considered to be in accordance with the Development Plan policies concerning heritage assets and all other material considerations including Kirk Ireton Conservation Area Appraisal.

#### Impact upon residential amenity

- 7.15 There have been several objections to the proposed garage which relate to the potential for noise pollution and air pollution in association with use of the garage as a workshop. The proposed use as a domestic garage/workshop which is ancillary to the main dwellinghouse is not considered to be out of keeping with the surrounding residential uses. Furthermore, in response to concerns raised, the local planning authority is able to prevent any commercial activity on site via the use of planning conditions. Therefore, the planning application is considered to be in accordance with the Development Plan policy PD1 concerning the protection of residential amenity.

#### Highways impacts

- 7.16 As mentioned above, the proposed garage is intrinsically linked to Buxton House. The proposal retains sufficient parking to serve the host property and would not lead to an intensification of the existing access point taken directly off Main Street to the south. Therefore, the planning application is considered to be in accordance with the Development Plan Policy HC10 and Policy HC21.

#### Impact on the character and appear of the existing dwelling and its surroundings

- 7.17 Policy HC10 (Extensions to Dwellings) of DDDC Local Plan (2017) sets out the criteria for determining planning applications for outbuildings which are incidental to the enjoyment of the dwelling, which includes:
- a) the plot size of the existing property is large enough to accommodate the extension or outbuilding without resulting in a cramped or overdeveloped site;
  - b) the height, scale, form and design of the extension or outbuilding is in keeping with the scale and character of the original dwelling (taking into account any cumulative additions), and the site's wider setting and location;
  - c) following construction of the extension, or outbuilding, sufficient space is available for the parking of cars, in line with the Council's Parking Standards, in a way that does not detract from the character and appearance of the area.

- 7.18 The proposed development provides sufficient space to park in front on the proposed garage/workshop and therefore complies with criteria c) of Policy HC10.
- 7.19 The garden and parking area is set above the property, due to the site topography, which places this area in a more prominent position in relation to the residential properties fronting Main Street, which are set at a lower level. The low-lying gritstone wall to the north and west of the existing parking area, coupled with the sloping topography of the site, would allow for public views of the proposed garage from the surrounding residential properties. The introduction of the proposed garage would be a prominent structure at approximately 4.6 m in height when approaching the site along the private access road / PROW immediately to the east. The proposed garage has, however, been reduced in size from the previous proposal which covered much of the existing garden and parking area associated with Buxton House. The revised proposal, which results in a single garage with additional space to house and manoeuvre a motorcycle, is considered to be appropriate in size when compared with the host property. The visual impact is considered in conjunction with cover planting and a low-lying gritstone wall along the eastern elevation which will partially screen the proposed garage from views to the north/east.
- 7.20 It is considered that the erection of a single garage with motorcycle storage is in keeping with the scale and character of the original dwelling and the plot size is large enough to accommodate the proposed development without resulting in a cramped or overdeveloped site. The proposed development is, therefore, considered to comply with Policy HC10 parts a) and b).
- 7.21 The objections relating to the potential, future change-of-use of the proposed garage/workshop do not form part of the decision making process for this planning application. The application is for householder development and must be assessed on this basis.
- 7.22 A recommendation of approval, subjects to conditions is put forward in light of the above.

## **8. RECOMMENDATION**

8.1 Planning Permission be granted subject to the following conditions:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans to which this decision notice relates.

Reason:

For the avoidance of doubt and to establish the scope of the permission granted.

3. The development hereby permitted shall only be used in connection with, and ancillary to the use of the existing dwellinghouse and shall at no time be separated from the ownership of this property or occupied as a separate independent unit.

Reason:

To prevent the undesirable establishment of a separate independent unit in order to protect the amenity of this location in accordance with Policy S3 of the Adopted Derbyshire Dales Local Plan (2017).

4. All gutters, downpipes and other external plumbing shall be constructed in cast-iron with a black painted finish, affixed using traditional rise & fall brackets and so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory external appearance of the development and the appropriate use of materials in the interests of preserving the character and appearance of the Conservation Area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

5. Details of the stone origin, type and proposed surface finish (tooling) for the external surfaces of the proposed development shall be submitted, in sample form, to the Local Planning Authority and approved in writing before works begin on the stonework to the external surfaces. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development and the appropriate use of materials in the interests of preserving the character and appearance of the Conservation Area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

6. A 2 sq.m sample of the stone, including the corner detailing, to be used for the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before works commence on the construction of the exterior walls of the building(s). The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development and the appropriate use of materials in the interests of preserving the character and appearance of the Conservation Area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

7. A sample roofing tile shall be submitted to and approved in writing by the Local Planning Authority prior to being fixed to the roof. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development and the appropriate use of materials in the interests of preserving the character and appearance of the Conservation Area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

8. Details of the pointing, including character & appearance, shall be submitted to and approved in writing by the Local Planning Authority prior to application. The development shall thereafter be carried out in accordance with the pointing details so approved.

Reason:

To ensure a satisfactory external appearance of the development and the appropriate use of materials in the interests of preserving the character and appearance of the Conservation Area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

9. The doors (personnel and garage) shall be painted a dark, recessive colour and details of the colour shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The doors shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure a satisfactory external appearance of the development and the appropriate use of materials in the interests of preserving the character and appearance of the Conservation Area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

10. The garage doors shall be constructed of solid, boarded painted timber and should be side-hinged and outward opening. Construction details (fully dimensioned vertical & horizontal sections at a scale of 1:5 and mouldings at a scale of 1:1) shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation. The doors shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure a satisfactory external appearance of the development and the appropriate use of materials in the interests of preserving the character and appearance of the Conservation Area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

11. Construction details (fully dimensioned vertical & horizontal sections at a scale of 1:5 and mouldings at a scale of 1:1), design and pattern of all windows shall be submitted to, and approved in writing by, the Local Planning Authority prior to installation. The window and doors shall then be installed in accordance with the approved details and so retained.

Reason:

To ensure a satisfactory external appearance of the development and the appropriate use of materials in the interests of preserving the character and appearance of the Conservation Area in accordance with Policy PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

#### **INFORMATIVES:**

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.
2. The pre-commencement conditions attached to this permission have been imposed having served the requisite notice on the applicant(s) and having received a positive response (deemed or otherwise) under section 100ZA(5) of the Town and Country Planning Act 1990.

3. This decision notice relates to the following documents received by the Local Planning Authority on 17/12/2021:
  - Design and Access Statement
  - Location Plan
  - Block Plan
  - 00192949 Elevations Plan (Buxton House)
  - Proposed Plan (Elevations and Floor Plan of garage)





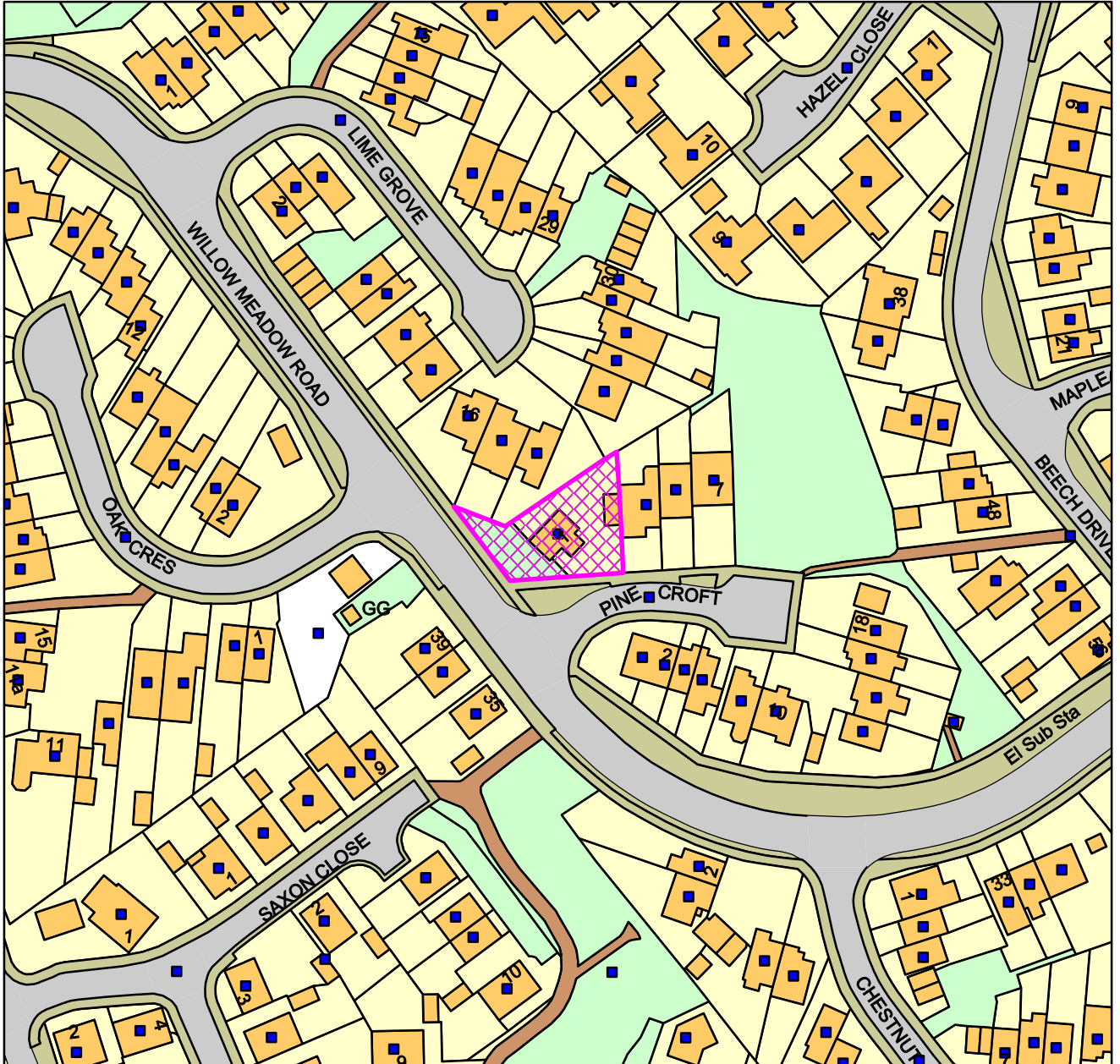
<b>APPLICATION NUMBER</b>		21/01474/FUL	
<b>SITE ADDRESS:</b>		1 Pine Croft, Ashbourne	
<b>DESCRIPTION OF DEVELOPMENT</b>		Two storey side extension	
<b>CASE OFFICER</b>	Sarah Arbon	<b>APPLICANT</b>	Ian Bailey
<b>PARISH/TOWN</b>	Ashbourne	<b>AGENT</b>	Darren Archer
<b>WARD MEMBER(S)</b>	Cllr R Archer Cllr T Donnelly	<b>DETERMINATION TARGET</b>	01.02.2022
<b>REASON FOR DETERMINATION BY COMMITTEE</b>	Finally balanced case.	<b>REASON FOR SITE VISIT (IF APPLICABLE)</b>	For Members to appreciate the site and context.

<b>MATERIAL PLANNING ISSUES</b>
<ul style="list-style-type: none"><li>- Principle of development</li><li>- Impact on residential amenity</li><li>- Character and appearance of property and streetscene</li></ul>

<b>RECOMMENDATION</b>
Approval

21/01474/FUL

1 Pine Croft, Ashbourne



Derbyshire Dales DC

1:1,250

Date: 23/02/2022

100019785

Crown Copyright and database rights (2018) Ordnance Survey (100019785)  
Derbyshire Dales District Council,  
Town Hall, Bank Road, Matlock, Derbyshire DE4 3NN.  
Telephone: (01629) 761100.  
website :www.derbyshiredales.gov.uk

## 1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is on the corner of Willow Meadow Road and Pine Croft in the south eastern part of Ashbourne between the A52 and Derby Road. The detached dwelling occupies a prominent corner on Willow Meadow Road with a corner shop occupying the opposite corner at an angle. The property is set back from the road and faces Willow Meadow Road with a generous side garden. Properties in the area are a mix of brown and red brick with gable roofs and the application property has dark wooden boarding on the front elevation.

## 2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for a two storey side extension measuring 3.9m x 8.4m of an eaves and ridge height to match the existing dwelling. The front and rear walls of the extension would align with the existing property. A large flat roof dormer was submitted as part of the original submission but has since been removed as requested.



### **3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

- 3.1. Adopted Derbyshire Dales Local Plan 2017  
S3 Development within Defined Settlement Boundaries  
PD1 Design and Place Making  
HC10 Extensions to Dwellings
- 3.2. Other:  
The National Planning Policy Framework (2021)  
National Planning Practice Guide

### **4.0 RELEVANT PLANNING HISTORY:**

None

### **5.0 CONSULTATION RESPONSES**

#### Ashbourne Town Council

- 5.1 Object as Members feel this is an over-development of the property.

### **6.0 REPRESENTATIONS RECEIVED**

- 6.1 No representations have been received.

### **7.0 OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

- Principle of development
- Impact on residential amenity
- Character and appearance of property and streetscene

#### Principle of development

- 7.1 The site is located within the settlement boundary of Ashbourne where similar properties exist to the north east of Willow Meadow Road and more modern properties to the south west opposite. Residential extensions are acceptable in principle provided compliance with the policies PD1 and HC10 is achieved.

#### Impact on residential amenity

- 7.2 The impact on No. 3 Pine Croft has been assessed and due to its position in the plot, relationship to the application property and blank gable adjacent, significant adverse impacts in terms of overlooking and overshadowing are not considered to occur. The proposal is therefore considered to comply with the relevant part of PD1.

#### Character and appearance of property and streetscene

- 7.3 Policy PD1 requires all development to be of high quality that respects the character, identity and context of the townscape, contributes positively to an area's character in terms of scale, height, density, layout, appearance, materials and relationship to adjacent buildings. Policy HC10 supports extensions to residential properties provided that the plot size is large enough to accommodate the extension, the height, scale, form and design of the extension is in keeping with the scale and character of the

original dwelling (taking into account any cumulative additions), and the site's wider setting and location.

- 7.4 The two storey side extension would extend slightly further to the south eastern boundary than the existing conservatory sitting close to the adjacent footpath. It would be of the same width and height as the existing property. Seen from Willow Meadow Road the extension is appropriate to the dwelling and streetscene. It is acknowledged that the dwelling occupies a prominent corner, however, taking into account the fact that properties to the north west are set back and have rear elevations adjacent to Willow Meadow Road and the shop to the south east occupies a similar corner plot and has been extended, the extension is considered to be acceptable in this context.
- 7.5 It is the impact on the streetscene within Pine Croft that is finely balanced and in combination with the objection of the Town Council, is the reason the case has been brought to committee. The corner of the proposed extension would extend right up to the footpath boundary adjacent to the front of the property and the blank side elevation of the property would be quite dominant in some views from within the cull-de-sac. The positioning and size of the extension could be viewed as an overdevelopment of this anomalous corner plot. The local streetscene will it is considered be adversely impacted to some degree.
- 7.6 However, the recommendation put forward for approval is on the basis that the property is of a design and position that means it stands alone within this part of the street scene and it is considered an extension that is flush with the front elevation and of the same ridge height is not considered sufficiently harmful to visual amenity to conflict with Policies PD1 and HC10.

## **8.0 RECOMMENDATION**

That planning permission be granted subject to the following conditions.

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. This consent relates solely to the application as amended by the revised plan received by the Local Planning Authority on the 25th January 2022 numbered 02B.

Reason:

For the avoidance of doubt as the dormer addition was not acceptable and contrary to Policies PD1 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

3. The development hereby permitted shall be constructed of facing and roofing materials to match in terms of colour, texture, size and material those used in the construction of the existing building.

Reason:

To ensure the use of appropriate materials in accordance with Policies PD1 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).

## **9.0 NOTES TO APPLICANT:**

The Local Planning Authority prior to the submission of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to dormer addition.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

This permission relates solely to the application as amended by the revised plan received by the Local Planning Authority on the 25th January 2022 numbered 02B.

## Ashbourne North

ENF/18/00020	Unauthorised signage and changes to shop front	Diamond Geeza Barbers 3 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/19/00082	Siting of caravan and alterations to associated access track	Land To The Rear Of Woodcock Delph And Adjacent To Herdsman Close Farm Ashbourne Road Fenny Bentley Derbyshire	Pending Consideration
ENF/19/00154	Breach of Conditions 19 and 20 of Planning Permission 09/00496/FUL (Allowed on appeal)	The Mount 4 North Avenue Ashbourne Derbyshire	Pending Consideration
ENF/20/00003	Installation of solar panels to roof	13 Church Street Ashbourne Derbyshire DE6 1AE	Notice Issued
ENF/20/00055	Unauthorised engineering works to facilitate a vehicular access and parking space onto a classified road, 23 Buxton Road, Ashbourne.	23 Buxton Road Ashbourne Derbyshire DE6 1EX	Pending Consideration
ENF/21/00120	Change of use to flat	Second Floor 34 St John Street Ashbourne Derbyshire DE6 1GH	Pending Consideration
ENF/21/00184	An existing telegraph pole within the footway has not be relocated adjacent to the new boundary wall location, in accordance with Condition 23 of the planning consent.	The Mount 4 North Avenue Ashbourne Derbyshire	DM Application Received

## Ashbourne South

ENF/17/00038	Unauthorised works to listed building	Avanti Jewellers 2 - 4 Church Street Ashbourne Derbyshire DE6 1AE	Pending Consideration
ENF/18/00125	Breach of Conditions 6 (Soft Landscaping), 7(Landscape Management Plan), 8 (Amenity and Play Areas laid out before first occupation) and 27 (Landscape and Ecological Management Plan) of 14/00722/FUL	Land Formerly Hillside Farm Wyaston Road Ashbourne Derbyshire DE6 1NB	Notice Issued
ENF/18/00164	Unauthorised siting of caravan for residential purposes.	Land To The Rear Of Mayfield Road Cadet Hut Mayfield Road Ashbourne Derbyshire DE6 1AR	Pending Consideration
ENF/21/00021	Siting of storage container	Henmore Trading Estate Mayfield Road Ashbourne Derbyshire DE6 3AS	Notice Issued

## Brailsford

ENF/17/00058	Unauthorised erection of replacement fencing around boundary of South Lodge, Long Lane, Longford, Derbyshire	South Lodge Long Lane Longford Derbyshire DE6 3DS	Pending Consideration
ENF/18/00138	Unauthorised change of use of Agricultural land and the erection of a timber built cabin.	Land North East Of Willow Croft New Road Mercaston Derbyshire	Notice Issued

## Carsington Water

ENF/16/00034	Unauthorised erection of Dog kennels	Four Lane Ends Farm Gibfield Lane Hulland Ward Derbyshire DE6 3EJ	Notice Issued
ENF/19/00067	Unauthorised engineering works to create a raised platform base for the approved building, and a new access and access track onto land off Manystones Lane, Brassington.	Land North Of Wirksworth Dale Brassington Derbyshire	Pending Consideration
ENF/20/00128	Erection of shed and boundary fence	3 Haven View Mill Lane Bradbourne Derbyshire DE6 1PA	Pending Consideration
ENF/21/00025	Without planning permission <sup>(a)</sup> unauthorised building and engineering operations comprising a wider access, hard surfaced track to a newly created hardstanding area, the formation of a raised deck area and surfacing upon which children's play equipment has been sited on the land edged blue <sup>(b)</sup> the material change of use of the land edged blue from agricultural to recreational use and <sup>(c)</sup> the use of the land edged red as a caravan and camping site	Land North West Side Of Manystones Lane Brassington Derbyshire	Pending Consideration
ENF/21/00042	Unauthorised change of use of land for the siting of a tent with associated log burner, and storage of vehicles	Land North Of Knockerdown Inn Knockerdown Ashbourne Derbyshire	Pending Consideration

## Clifton And Bradley

ENF/20/00005	Clearance of hedgerow at 'The Firs' residential development and erection of fence - Related planning applications 16/00340/OUT and 18/00699/REM	Land At The Firs Main Road Wyaston Derbyshire DE6 2DR	Pending Consideration
ENF/20/00141	Siting of static caravans	Cloud Barn Clifton Road Clifton Derbyshire DE6 2DH	Pending Consideration
ENF/21/00044	Engineering works to extend existing bunding	Darley Moor Motor Cycle Road Racing Club The Darley Moor Sports Centre Darley Moor Ashbourne Derbyshire DE6 2ET	DM Application Received



## Darley Dale

ENF/12/00034	Unauthorised demolition of a Listed wall and unauthorised access off the A6 at Dale Road North Darley Dale.	Stancliffe Quarry, Darley Dale, Matlock.	Notice Issued
ENF/17/00139	Works comprising the siting of an office building on "the land"	Ameycroft Farm Farley Hill Matlock Derbyshire DE4 5LR	Notice Issued
ENF/19/00102	Without planning permission, the material change of use of the Land for the storage of a static caravan (Breach of Condition 1 of Appeal Decision APP/P1045/C/15/3131891)	Woodside Farm Back Lane Darley Moor Matlock Derbyshire DE4 5LP	Notice Issued
ENF/19/00144	Without planning permission the unauthorised use of the site as a camping and caravan site	Land Opposite Square And Compass Main Road Darley Bridge Derbyshire DE4 2EQ	Notice Issued
ENF/20/00154	Felling of Scot's Pine tree subject to Tree Preservation Order 119 (G3)	Land At St Elphins Park Dale Road South Darley Dale Derbyshire	Pending Consideration
ENF/21/00107	Extension allegedly not being built to the approved plans.	46 Hill View Hackney Road Hackney Derbyshire DE4 2PX	Pending Consideration
ENF/21/00182	The level of foundation for the garage is now much higher than originally proposed. No drainage solutions possible if walls are completed.	Lilac Cottage Holt Road Hackney Derbyshire DE4 2QD	Pending Consideration

## Dovedale And Parwich

ENF/21/00113	the material change of use of the Land to use for storage of vehicles and other related materials, unauthorised extension to an agricultural building and unauthorised engineering works	Dove Mount Spend Lane Sandybrook Ashbourne Derbyshire DE6 2AR	Notice Issued
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## Doveridge And Sudbury

ENF/20/00129	Formation of a car park in association with the fishing club	Land Between Dove Villa And Tollgate Cottage Doveridge Derbyshire	Notice Issued
ENF/22/00030	Unauthorised storage of vehicles and changes to building subject to planning permission 20/01037/FUL	Land Oposite Ley Hill Farm Brocksford Doveridge Derbyshire DE6 5PA	Pending Consideration

## Hulland

ENF/15/00004	Unauthorised engineering works including substantive excavation on land at Common Farm.	Common Farm Mugginton Lane End Weston Underwood Ashbourne Derbyshire DE6 4PP	Pending Consideration
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ENF/15/00024	The unlawful use of the buildings outlined and hatched green on the 1:2500 and 1:1000 Scale attached plans, as a dwellinghouse (Use Class C3).	Blackbrook Lodge Farm Intakes Lane Turnditch Derbyshire DE56 2LU	Notice Issued
ENF/18/00155	Replacement agricultural storage building not built in accordance with permission 15/00616/AGR, construction of car park and building being used as a dog training business	Moorside Farm Moor Lane Kirk Ireton Derbyshire DE6 3JZ	Pending Consideration

## Masson

ENF/15/00054	Unauthorised alterations to a Grade II Listed Building.	Rita's Fish Bar 182 South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/19/00086	Breach of condition 16 (paint finish and colour of all external joinery) of planning permission DDD/0697/0381/C - Repainting of premises without prior consent to variation	Unit 5 The Riverside South Parade Matlock Bath Derbyshire DE4 3NR	Pending Consideration
ENF/19/00139	Breach of Conditions - Use of premises as a hotel without compliance with conditions 2, 4, 6 and 7 of planning permission 17/01012/FUL and conditions 2, 3, 6, 7 and 8 of listed building consent 17/01013/LBALT	Cromford Court Derby Road Matlock Bath Derbyshire DE4 3PY	Pending Consideration
ENF/20/00015	Unauthorised erection of fence adjacent to a classified road, A6, and within close proximity to protected trees (DCCTPO/123/A1).	Rock Cottage Rock Lodge 69 Derby Road Cromford Derbyshire DE4 3RP	Notice Issued
ENF/20/00020	Construction of raised platforms	Weavers Cottage 45 Yeoman Street Bonsall Derbyshire DE4 2AA	Pending Consideration
ENF/20/00035	Externally illuminated signage	The Coven The George Centre 30 North Parade Matlock Bath Derbyshire DE4 3NS	Pending Consideration
ENF/20/00068	Unauthorised internal and external works to this listed building	90 The Hill Cromford Derbyshire DE4 3QU	Pending Consideration
ENF/20/00097	Use of shed as letting accommodation, installation of outdoor toilet and shower room and creation of wetroom in property	14 The Hill Cromford Derbyshire DE4 3QL	Notice Issued
ENF/21/00101	Erection of timber pergola with pvc corrugated roof in rear garden of Grade 2 listed building. Unsympathetic to the area and poorly constructed.	53 The Hill Cromford Derbyshire DE4 3QR	Pending Consideration

## Matlock All Saints

ENF/18/00042	Unauthorised alteration of shop frontage	Turkish Delight 57 Dale Road Matlock Derbyshire DE4 3LT	Notice Issued
ENF/19/00044	Erection of verrandah to top of shed	133 Smedley Street Matlock Derbyshire DE4 3JG	Notice Issued
ENF/21/00140	Erection of a fence around land at the address which is above 1m in height adjacent to a highway	69 Victoria Hall Gardens Matlock Derbyshire DE4 3SQ	Pending Consideration
ENF/21/00162	Dwelling being let out as holiday accommodation for larger groups	65 Cavendish Road Matlock Derbyshire DE4 3HD	Pending Consideration

## Matlock St Giles

ENF/13/00084	Unauthorised erection of workshop	Phillips Woodware Smuse Lane Matlock Derbyshire DE4 5EY	Notice Issued
ENF/18/00178	The development is not in accordance with the approved plans.	Land Adjacent To 9 Oak Tree Gardens Tansley Derbyshire	Pending Consideration
ENF/19/00008	Use of land for the parking of vehicles, unloading and storage of aggregates, unloading and storage of domestic and business waste and as a personal allotment with a greenhouse	Land To The Rear Of Sunnyside Farm Riber Road Riber Matlock Derbyshire DE4 5JU	Pending Consideration
ENF/19/00015	Formation of access onto a classified road (A615)	The Cottage Alfreton Road The Cliff Matlock Derbyshire DE4 5EZ	Notice Issued
ENF/19/00168	Replacement windows in Grade II* Listed Building	St Andrews House Lumsdale Road Matlock Derbyshire DE4 5NG	Pending Consideration
ENF/20/00012	Unauthorised erection of garage within the domestic curtilage	20 Lynholmes Rise Matlock Derbyshire DE4 3DX	Pending Consideration
ENF/20/00103	Breach of Condition 14 of planning permission 15/00861/FUL and formation of roadway and associated engineering works (raising of land and formation of swales)	Land South Of Bentley Bridge Chesterfield Road Matlock Derbyshire	Pending Consideration
ENF/20/00145	Installation of air conditioning unit to exterior of Grade II Listed Building	Tavern At Tansley Nottingham Road Tansley Derbyshire DE4 5FR	Pending Consideration
ENF/21/00007	Unauthorised building works at rear of property to create a raised decking area and boundary fence.	12 Portway Drive Matlock Derbyshire DE4 3TS	Pending Consideration
ENF/21/00015	Unauthorised erection of banner sign on front facia of shop.	Bow Boutique 8 - 10 Causeway Lane Matlock Derbyshire DE4 3AR	Pending Consideration

ENF/21/00033	The developer is digging footings and undertaking other groundworks for the new housing contrary to the requirements of his planning conditions. Footings were being dug on 1st and 2nd March, Prior to discharge of conditions 6 and 12. Waste arisings are being stocked on site. No precautions are being taken to address the presence of contamination within these materials.	Land At Pump Close Matlock Derbyshire	Pending Consideration
ENF/21/00068	Unauthorised engineering works to facilitate new roadway at Thornberries, Land South of Bentley Bridge	Access Track Off Old Stone Lane Matlock Derbyshire	Notice Issued

## Norbury

ENF/17/00056	Unauthorised engineering works to facilitate access at Old House Farm, Can Alley, Roston, Derbyshire	Old House Farm Can Alley Roston Derbyshire DE6 2EF	Pending Consideration
ENF/19/00034	Erection of Building	The Orchard Audishaw Lane Boylestone Derbyshire	Notice Issued
ENF/20/00018	Unauthorised change of use of garage block to independent dwelling	Coton Wood Lodge Muse Lane Boylestone Derbyshire DE6 5AB	Pending Consideration
ENF/20/00148	Unauthorised stationing of static and mobile caravans for the purposes of human habitation and the change of use of land for the storage of vehicles and machinery not associated with agriculture	Shaw Lane Farm Shaw Lane Marston Montgomery Derbyshire DE6 2FJ	Notice Issued
ENF/21/00089	unauthorised use of land for the storage of stall buildings, cabins and trailers	Whitehall Farm Hales Green Yeaveley Derbyshire DE6 2DS	DM Application Received
ENF/21/00091	Unauthorised use of land for recreational purposes (keeping of horses)	Springfields Farm Cubley Lane Marston Montgomery Derbyshire DE6 2FJ	Notice Issued
ENF/21/00104	Building allegedly not in keeping with the plans and conditions of 17/00376/FUL- Currently being used as a dwelling and having been built with a second storey.	Rosemount Mill Lane Roston Derbyshire DE6 2EE	Notice Issued
ENF/21/00106	Horse exercise area extended without planning permission.	Old House Farm Can Alley Roston Derbyshire DE6 2EF	DM Application Received
ENF/21/00188	Breach of planning control- extension and alterations to garage not adhering to submitted plans.	Brookfield House Main Street Roston Derbyshire DE6 2EH	Notice Issued

ENF/21/00190	A few years ago a neighbour put a shed up for cattle and is now renting it out for none agricultural storage. Ref: 13/00421/AGR They are living in a garage as a dwelling and the daughter is running a business from home with no permission (Peachy Blossom Florist - Lydia Hubbard).	Shawleys Farm Shields Lane Roston Derbyshire DE6 2EF	Pending Consideration
ENF/21/00213	Static Caravan	Wheatsheaf Farm Yeaveley Derbyshire DE6 2DT	Pending Consideration

## Stanton

ENF/20/00120	Without planning permission, the unauthorised erection of a dwellinghouse, deliberately concealed inside an agricultural storage/stable building Without planning permission the erection of a single storey, lean to extension to the agricultural storage/stable building	North Park Farm Whitworth Road Darley Dale Derbyshire DE4 2HJ	Pending Consideration
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## Wirksworth

ENF/17/00018	Unauthorised works to remove a fire surround in a Grade II Listed Building.	Red Lion Hotel Market Place Wirksworth Derbyshire DE4 4ET	Pending Consideration
ENF/18/00126	Removal of front wall and erection of ply wood replacement	Kenwood Cottage Wash Green Wirksworth Derbyshire DE4 4FD	Notice Issued
ENF/19/00004	Installation of hot tub to front of property	Stowe Cottage 4 New Road Middleton By Wirksworth Derbyshire DE4 4NA	Pending Consideration
ENF/20/00008	Unauthorised ground works to facilitate a car park and large plant training area.	Land To The North Of Jacksons Ley And Porter Lane Middleton By Wirksworth Derbyshire	Pending Consideration
ENF/20/00077	Unauthorised building works, consisting of demolition of outbuilding and erection of two storey side extension to dwelling at 5 Churchill Avenue, Middleton by Wirksworth.	5 Churchill Avenue Middleton By Wirksworth Derbyshire DE4 4NG	Pending Consideration
ENF/20/00164	Without planning permission, the unauthorised change of use of the building and associated land from office use (Use Class B1) permitted under Part 3, Class R of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order (2015) (as amended) to a Dwellinghouse (Use Class C3).	Land At Manor Lodge Little Bolehill Bolehill Derbyshire DE4 4GR	Pending Consideration
ENF/21/00009	Operation of logging business on agricultural land	Land To The North East Of West View New Road Middleton By Wirksworth Derbyshire	DM Application Received

ENF/21/00017	Without planning permission the change of use of the agricultural building and associated land to HGV and vehicle repair workshop (Use Class B2) use unconnected to agriculture.	Arm Lees Farm Ryder Point Road Wirksworth Derbyshire DE4 4HE	Pending Consideration
ENF/21/00219	Unauthorised excavations to create a flat level vehicular access onto a classified road	19 Oakerthorpe Road Bolehill Derbyshire DE4 4GP	Pending Consideration

**Total Open Cases**

**80**

# Enforcement Investigations Closed

In the Month Prior to 23/02/2022



## Ashbourne South

ENF/20/00019	Breach of Condition 4 (working hours) of planning permission 17/00250/REM	Land South Of Leys Farm Wyaston Road Ashbourne Derbyshire	Justification from Officer	26/01/2022
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## Brailsford

ENF/18/00009	Unauthorised building works to barn at West Mammerton Farm, Sutton Lane, Longford	Buildings At West Mammerton Farm Sutton Lane Longford Derbyshire	Not in the Public interest to pursue	02/02/2022
ENF/19/00169	Removal of trees screening the site	Hallcroft Farm Shirley Lane Hollington Derbyshire DE6 3GB	Complaint Unfounded	26/01/2022
ENF/20/00013	Breach of condition 5 (working hours) of Appeal Decision APP/P1045/W/17/3167362 (related planning permissions - 16/00567/OUT (outline) and 18/00397/REM and 19/00467/REM (reserved matters))	Land Off Main Road Brailsford Derbyshire	Justification from Officer	26/01/2022

## Carsington Water

ENF/19/00096	Unauthorised change of use of the building known as Shaws Barn, from B8 (Limited storage and distribution) use, to a use including the sale of alcohol.	Shaws Barn Winn Lane Atlow Derbyshire DE6 1NS	Not in the Public interest to pursue	21/02/2022
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## Darley Dale

ENF/22/00014	Development causing mud and debris on Grove Lane at the construction site entrance. Construction traffic parking on the narrow lane causing difficulties for residents.	Audleys St Elphins Park Dale Road South Darley Dale Matlock Derbyshire DE4 2RH	Complied Voluntarily	16/02/2022
ENF/22/00019	Is the roofing of the extension in accordance with a valid planning permission?	Ameycroft Farm Farley Hill Farley Matlock Derbyshire DE4 5LR	Complaint Unfounded	04/02/2022

## Doveridge And Sudbury

ENF/22/00025	Siting of crane on a plinth and portacabin office buildings on the car park area.	Steve Foster Crane Hire Units 1 To 3 Derby Road Doveridge Ashbourne Derbyshire DE6 5JU	Complied Voluntarily	21/02/2022
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## Masson

ENF/18/00088	Erection of fence on top of existing wall	18 North Street Cromford Derbyshire DE4 3RG	Complied Voluntarily	26/01/2022
ENF/22/00024	Intended implementation of works for an internal staircase when plans for 19/00385/FUL indicate an external staircase.	Chickenfoot Brewery Puddle Hill Bonsall Derbyshire	Complaint Unfounded	18/02/2022

## Matlock St Giles

ENF/17/00020	Unauthorised use of land for the storage and stationing of caravans.	Duke William Hotel 91 Church Street Matlock Derbyshire DE4 3BZ	Notice Withdrawn	11/02/2022
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## Norbury

ENF/21/00181	Change of use to pet shop (Use Class E)	Outbuildings At Long Chimneys Farm Darley Moor Ashbourne Derbyshire DE6 2ET	Complied Voluntarily	28/01/2022
ENF/21/00209	Very tall chimney for outside fire/ log burner. Lit daily from 10.30am.	The Crown Inn Riggs Lane Marston Montgomery Derbyshire DE6 2FF	Complaint Unfounded	17/02/2022

## Wirksworth

ENF/19/00036	Formation of raised deck and incorporation of land into domestic curtilage	14 Water Lane Middleton By Wirksworth Derbyshire DE4 4LY	Not in the Public interest to pursue	02/02/2022
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**Total Closed Cases** **14**



**NOT CONFIDENTIAL** - For public release

PLANNING COMMITTEE – 8<sup>th</sup> March 2022

**PLANNING APPEAL – PROGRESS REPORT**

Report of the Corporate Director

REFERENCE	SITE/DESCRIPTION	TYPE	DECISION/COMMENT
Southern			
17/00752/FUL	The Manor House, Church Street, Brassington	WR	Appeal being processed
18/00662/LBALT	Brook Cottage, Pethills Lane, Kniveton	WR	Appeal being processed
20/99972/FUL	87 Belper Road, Ashbourne	WR	Appeal being processed
20/01289/FUL	Agnes Meadow Farm, Agnes Meadow Lane, Kniveton	WR	Appeal allowed – copy of appeal decision attached
20/01073/LBALT	Agnes Meadow Farm, Agnes Meadow Lane, Kniveton	WR	Appeal allowed – copy of appeal decision attached
ENF/21/00025	Land north west side of Manystones Lane, Brassington	WR	Appeal being processed
21/00455/OUT	36 Windmill Lane, Ashbourne	WR	Appeal being processed
21/00229/FUL	Land And Buildings West Of Fernley Hulland Ward	WR	Appeal being processed
21/00969/FUL	Brackendale, Ashbourne Road, Brassington	HH	Appeal being processed
ENF/21/00104	Rosemount, Roston, Ashbourne	WR	Appeal being processed
Central			
ENF/20/00120	North Park Farm, Whitworth Road Darley Dale	WR	Appeal dismissed – copy of appeal decision attached
20/00581/FUL	5 Asker Lane, Matlock	IH	Appeal being processed

ENF/20/00164	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/01247/CLEUD	Manor Lodge, Little Bolehill, Bolehill	WR	Appeal being processed
20/01275/FUL	158 Derby Road, Cromford	HOUSE	Appeal being processed
20/01332/FUL	8-10 Snitterton Road, Matlock	WR	Appeal being processed
21/00441/FUL	Derwent Reach, Aston Lane, Oker, Matlock	HH	Appeal dismissed – copy of appeal decision attached
ENF/21/00017	Armlees Farm, Ryder Point Road, Wirksworth	IH	Appeal being processed
21/01027/FUL	34 Steeple Grange, Wirksworth	HH	Appeal being processed
21/00722/FUL	43 Church Street, Matlock	HH	Appeal being processed
21/00927/FUL	43 St Johns Street, Wirksworth	HH	Appeal being processed
21/01135/FUL	69 Victoria Hall Gardens, Matlock	HH	Appeal being processed
20/00547/REM	The Bungalow, Edgefold Road, Matlock	WR	Appeal being processed
21/01182/FUL	Flatt 11, Rutland Court, Rutland Street, Matlock	WR	Appeal being processed

WR - Written Representations  
IH - Informal Hearing  
PI – Public Inquiry  
LI - Local Inquiry  
HH - Householder

**OFFICER RECOMMENDATION:**

That the report be noted.



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## Appeal Decision

Site visit made on 8 February 2022

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocI HBC

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

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Appeal Ref: APP/P1045/C/20/3263159

North Park Farm, Whitworth Road, Darley Dale, Derbyshire DE4 2HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Miss Helen Lowe against an enforcement notice issued by Derbyshire Dales District Council.
- The enforcement notice was issued on 19 October 2020.
- The breach of planning control as alleged in the notice is the unauthorised erection of a dwellinghouse, deliberately concealed inside an agricultural storage/stable building and the erection of a single storey, lean to extension to the agricultural storage/stable building.
- The requirements of the notice are:
  - a) Permanently cease the residential use of this site.
  - b) In relation to the breach identified under 3.1 permanently remove the concealed dwellinghouse from the agricultural building.
  - c) In relation to the breach identified under 3.2 permanently remove the unauthorised extension.
  - d) Permanently remove all material from this site, relating to the removal/demolition of the concealed dwellinghouse and the unauthorised extension, in order to put the building back to that described on the approved drawings for either planning permission 15/00641/FUL or as detailed in prior notification 12/00033/AGR.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections.

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### Preliminary Matter

1. The appeal on ground (d) has been withdrawn and therefore the arguments relating to deliberate concealment of the dwellinghouse have fallen away.

### The Enforcement Notice

2. The appellant argues that on a number of issues the enforcement notice is fundamentally flawed. Section 4c of the Town and Country Planning (Enforcement Notices and Appeals)(England) Regulations 2002 (ENAR) requires the notice to specify the precise boundaries of the land by reference to a plan or otherwise. An incorrect plan does not make the notice a nullity. However, it would constitute a defect if the notice does not otherwise specify the precise boundaries of the land to which the notice relates and, indeed, failure to provide a sensible indication of the land to which the notice relates would be likely to constitute a nullity.

3. The enforcement notice clearly identifies the land affected as North Park Farm, Whitworth Road, Darley Dale and a plan is attached which shows two red lines; one either side of the building the subject of the notice. Therefore, it cannot be said that the land is edged red as described in paragraph 2. In addition, the scale of the plan is stated to be 1:500; however, that appears to be incorrect. The appellant argues that the blue hatched area which indicates the location of the unauthorised erection of a dwellinghouse and the green hatched area which indicates the location of the extension, are incorrect. Although I can see that there are some deficiencies in the attached plan, it is adequate for the purposes of identifying where the alleged breaches of planning control have occurred.
4. The courts interpret the power to correct notices very widely. Such powers extend to making significant changes to the notice to provide an accurate description of the alleged breaches of planning control and the powers can extend to the substitution of a correct plan. Indeed, an inaccurate plan can be deleted altogether, leaving the site to be described in words alone, without offending ENAR 4(c). In this case, since the notice enables the person to know what she has done wrong and what she needs to do to correct it, it complies with s173(1)(a) of the Act. That being the case, the Plan can be corrected without causing injustice to the appellant. Such correction should include the clear indication of the land edged red being land at North Park Farm, Whitworth Road, Darley Dale, Derbyshire DE4 2HJ to a correct scale.
5. The appellant also contends that the notice does not define **"this site"**, but she appears to have a clear understanding of what it means by suggesting it means **"the land affected"**. Paragraph 5.1 a) requires the cessation of the residential use of **"this site"** and this can be changed to **"the land affected"** without causing injustice to the appellant. Requirement 5.1d) requires the permanent removal of all material from the site, relating to the removal/demolition of the concealed dwellinghouse and the unauthorised extension. The requirement to remove material is quite clear, but it would be clearer to specify the removal from **"the land affected"** rather than **"the site"**. Although the appellant disputes the clarity of what is defined as **"the land affected"** as a result of the deficiencies in the plan attached to the notice, an amended plan will clarify the extent of the land affected. Therefore, in this case I consider that, in order to be more precise, reference to **"the site"** should be deleted and substituted by the words **"the land affected"**. Given her understanding of the alleged breach of planning control and the requirements of the Notice, this can be done without causing injustice to the appellant.
6. Another argument advanced by the appellant is that the building in question is **not an "agricultural storage/stable building"** because it also has lawful use for dog grooming purposes by virtue of planning permission 15/00641/FUL which was approved by the Council on 16 December 2015. At my site visit I noted that the large building is used for stabling, agricultural storage and other uses. The Council's description used in the enforcement notice is sufficiently clear for the appellant to understand the building in question, the alleged breaches of planning control and what she must do to remedy the breaches. Therefore, I cannot see that the description of the building used by the Council causes vagueness or uncertainty.

7. There are other concerns such as whether or not the development of the dwellinghouse **should be described as "new build" or otherwise. I shall deal** with this matter below under the appeal on ground (a)

The appeal on ground (b)

8. The ground of appeal is that the breach of control alleged in the enforcement notice has not occurred. In order to succeed on this ground it would need to be demonstrated that the erection of a dwellinghouse, deliberately concealed inside an agricultural storage/stable building and the erection of a single storey lean to extension had not been erected as a matter of fact.
9. The appellant does not dispute that a breach of planning control has occurred but does dispute that the description is incorrect. In particular, it is argued that this is not a new build, open market dwellinghouse, but instead it is the conversion of part of a building. However, there is only **reference to "open market"** and **"new build"** in the reasons for issuing the notice rather in the description of the alleged breach of planning control alleged. A dwellinghouse has been erected inside the building and a single storey lean to extension has also been erected on the building. These have occurred as a matter of fact and therefore the appeal on ground (b) must fail.

The appeal on ground (a)

10. The ground of appeal is that planning permission should be granted. The main issue is whether the principle of residential development and an extension to the building are acceptable in this location having regard to the development plan.

*Reasons*

11. The Council is unable to demonstrate a deliverable 5 year supply of housing **sites as required by the National Planning Policy Framework ('the Framework')**. In this regard, it can only demonstrate a 4.61 year supply against the 5 year requirement. In these circumstances Paragraph 11 of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I return to this matter in my Overall Balance and Conclusion, below.
12. Policy S1 of the Adopted Derbyshire Dales Local Plan 7 December 2017 (the LP) states that the Council will meet development needs within or adjacent to existing communities having regard to the settlement hierarchy. The appeal site is situated close to, but not immediately adjacent to the settlement boundary of Northwood and as such does not comply with Policy S1. Policy S4 of the LP which relates specifically to Development in the Countryside provides for new residential development in specific circumstances. These include housing to meet the essential requirements of agriculture, forestry or other rural bases enterprise in accordance with Policy HC13, conversion and re-use of buildings in accordance with Policy HC8 or on non-allocated sites on the edge of defined settlement development boundaries of first, second and third tier settlements in circumstances where there is no 5 year supply of housing land subject to consideration against other policies in the Local Plan and the provisions of the Framework.

13. Policy HC13 relates to Agricultural and Rural Workers Dwellings, stating that proposals for these will be supported provided that a range of criteria are met. These include the need to establish a functional need. Although the appellant has stated that she is confident that a case can be established to show functional need and financial viability, no other supporting evidence has been provided. Consequently, the dwellinghouse fails to meet the requirements of Policy HC13.
14. Policy HC8 relates to the conversion and re-use of buildings for residential accommodation and states that in locations such as the appeal site, outside settlement boundaries, the conversion of existing to residential use will be permitted where a range of criteria are met. This includes where the form, bulk and general design of the existing building makes a positive contribution to the character and appearance of the surroundings. In this case the building in question is a substantial utilitarian building which the appellant considers makes a neutral contribution to its rural surroundings but submits that this is not fatal to allowing the conversion of the building. However, the wording of HC8 is quite clear in establishing the need for a building to have a positive contribution. From the evidence before me, there is no dispute between the main parties that the building does not make a positive contribution to its surroundings and consequently, the specific requirements of Policy HC8 are not met.
15. The Council has confirmed that it cannot demonstrate a five year housing land supply and therefore, in accordance with Policy S4 residential development on the edge of settlements may be acceptable in order to meet the shortfall. In my judgement the appeal site cannot reasonably be described as being on the edge of the settlement because it is approximately 100 metres from the outer **lying part of Norwood's settlement boundary** and is separated from the settlement by agricultural land. Therefore, the development does not meet the requirements of Policy S4.
16. The appellant contends that the extension is intended to be an extension to the lawful dog grooming use of the building. At my site visit I observed that the extension is used for a range of cat, dog and other animal and pet related items and feed. Therefore, I do not accept the argument that it is required to support the dog grooming business, but instead it appears to be used to store items associated with the wider use of the main building.
17. The overall objective of Policy S1 of the LP is to ensure that all developments should make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area. Among other objectives, this will be achieved by supporting the local economy and business by providing for a range of economic developments that provide employment opportunities suitable for local people in suitable locations. Policy S4 relates specifically to development in the countryside and states that planning permission will be granted for development where it comprises the extension of existing buildings for employment provided it is appropriate in its location and does not have an impact on the character and appearance of the rural area, it comprises rural employment development and is for rural based enterprises. Policy EC1 states that the Council will support and encourage the appropriate expansion of rural businesses requiring additional space to grow.

18. The extension is relatively small in relation to the host building and its overall appearance is satisfactory in relation to its immediate surroundings. However, I am concerned that the appellant is arguing that the space is needed to support her rural enterprise when part of the main building has been taken by the unauthorised residential development. In addition, the building is large and at my site visit I noted that there is a lot of space within the building which seems to be used for general storage purposes and is under-used. **Furthermore, there is little evidence that the appellant's business is growing.** Therefore, there is insufficient evidence to demonstrate that, in accordance with Policy EC1 the development is actually required to provide additional space to grow.
19. Although Policy S1 is supportive of developments that make a positive contribution to sustainable development objectives, there is insufficient justification for the current extension proposal on the grounds of improving the economic, environmental and social conditions of the area. Furthermore, given the lack of evidence in relation to the extension there is insufficient justification that it is in an appropriate location. It may suit the wishes of the appellant but otherwise I do not see that a positive contribution is made to sustainable development objectives and the wider spatial planning objectives set out in the development plan.
20. I do not find that the appearance of the extension itself is harmful to the character and appearance of the area, but the principle is contrary to the wider sustainable development objectives of the development plan and policies which seek to control development in the countryside. Therefore, with reference to the extension, I conclude that it is not acceptable in this location having regard to the development plan; particularly Policies S1, S4 and EC1.

#### *Overall Balance and Conclusion*

21. As set out above, the residential development is contrary to Policies S1, S4 and HC8 and HC18 of the LP, which are in general accordance with the Framework and in step with current government guidance. Therefore, they attract significant weight in the decision-making process.
22. Set against this, the development would make a very small contribution towards the deficient housing land supply position, in a relatively accessible location. It would also have resulted in some small economic benefits during the construction phase. In view of the current shortfall in housing supply, I give these considerations moderate weight.
23. On balance however, and taking all matters into consideration, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
24. I have considered whether a temporary consent for two years would be appropriate in this case where the appellant requires time to demonstrate the functional need for the dwelling. However, in accordance with the development plan, the appellant needs to demonstrate the need for the dwellinghouse before any planning permission is granted. Therefore, a temporary consent is not appropriate in this case.

25. For the reasons given above I conclude that with reference to the dwellinghouse, the appeal on ground (a) should be dismissed because the principle is unacceptable.

The appeal on ground (f)

26. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purpose of an enforcement notice are set out in s173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). Since the notice requires the cessation of the residential use, permanent removal of the concealed dwellinghouse and permanent demolition of the extension, the purpose is clearly to remedy the breach. Any measures short of those specified in the notice would not achieve that purpose. In this respect, the appeal on ground (f) fails.

27. Nonetheless I am mindful that enforcement action is intended to be remedial and not punitive. With a ground (a) included in this appeal, it would be possible to grant planning permission for part of the development. The appellant has suggested that she may need to stay overnight for reasons relating to animal welfare and that basic facilities such as a kitchen, shower and sleeping area is required. However, given the concerns I have stated above with reference to the residential development and the previous unauthorised use of the building for residential purposes, I agree with the **Council's requirement to** permanently remove the dwellinghouse from the agricultural building. That is the only way of remedying the breach of planning control. Should the appellant wish to include some basic ancillary facilities in the building that may be the subject of a separate planning process.

Formal Decision

28. I direct that the enforcement notice shall be corrected by:

- a) the substitution of the plan originally attached to the notice with one which shows the land edged red being land at North Park Farm, Whitworth Road, Darley Dale, Derbyshire DE4 2HJ to a correct scale. It should also show an area hatched blue showing the unauthorised erection of a dwellinghouse, deliberately concealed inside an agricultural storage /stable building and an area hatched green showing the unauthorised erection of a single storey lean to extension to the agricultural storage / stable building; and
- b) **deletion of the words "this site" from paragraphs 5.1 a) and 5.1 d) and the substitution therefor of the words "the land affected".**

29. Subject to these corrections the appeal is dismissed, the enforcement notice is upheld and planning permission is refused for the application deemed to have been made under s177(5) of the 1990 Act as amended.

*A A Phillips*

INSPECTOR





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## Appeal Decisions

Site visit made on 17 January 2022

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 February 2022

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Appeal A: APP/P1045/W/21/3276581

Agnes Meadow Farm, Agnes Meadow Lane, Kniveton, Derbyshire DE6 1JR

- 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 Jeremy Furness against the decision of Derbyshire Dales District Council.
  - The application Ref 20/01289/FUL, dated 16 December 2020, was refused by notice dated 10 February 2021.
  - The development proposed is erection of greenhouse.
- 

Appeal B: APP/P1045/Y/21/3276582

Agnes Meadow Farm, Agnes Meadow Lane, Kniveton, Derbyshire DE6 1JR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Jeremy Furness against the decision of Derbyshire Dales District Council.
  - The application Ref 20/01073/LBALT, dated 16 December 2020, was refused by notice dated 12 February 2021.
  - The works proposed are erection of greenhouse.
- 

### Decisions

1. Appeal A: The appeal is allowed and planning permission is granted for the erection of a greenhouse at Agnes Meadow Farm, Agnes Meadow Lane, Kniveton, Derbyshire DE6 1JR in accordance with the terms of application Ref 20/01289/FUL, dated 16 December 2020, subject to the following conditions:
  - The development hereby permitted shall be commenced within three years of the date of this permission.
  - The proposed development shall be constructed in accordance with the documents accompanying the application and the following drawings: Site Location Plan – JC/F160/1A; Block Plan- JC/F160/2A; Proposed Plans and Elevations; Greenhouse Specifications.
2. Appeal B: The appeal is allowed and listed building consent is granted for the erection of a greenhouse at Agnes Meadow Farm, Agnes Meadow Lane, Kniveton, Derbyshire DE6 1JR in accordance with the terms of application Ref 20/01073/LBALT, dated 16 December 2020, and the plans and details submitted with it, subject to the following condition:
  - The works hereby permitted shall be commenced within three years of the date of this consent.

## Main Issue

3. The main issue is the whether the proposal would preserve the special architectural and historic interest of this Grade II listed building and its setting.

## Reasons

4. The farmhouse, constructed in coursed rubble limestone with gritstone dressings and a plain tiled roof, is an impressive part two, part three storey building constructed in the 17<sup>th</sup> century with later additions. The farmhouse is set back from the Agnes Meadow Lane in an area of open countryside where built development is sporadic. Vehicular access to the property is from the front via a long access drive leading to a gravelled parking area.
5. The special interest, or significance, of Agnes Meadow Farm as a listed building lies in its age, particularly its evidential value of the social history of the area, and in its architectural detailing which is set out in some detail in the list description.
6. The setting of a listed building is described in the National Planning Policy Framework (the Framework) as the surroundings in which a heritage asset is experienced. The immediate grounds of the house are clearly within the setting. To the rear of the property and to the east and south-east sides are modest areas of open domestic garden. The openness of these areas allow the building to be appreciated and thereby make a moderate positive contribution to its significance. To the south-west, clearly separated from the garden by a boundary wall and path, is a variety of outbuildings including a traditional stone building, timber stables and a modern concrete garage. These building somewhat clutter the space but nevertheless have a neutral impact on the setting and thereby significance of the building.
7. The proposed glazed greenhouse would be constructed with a western red cedar frame on a rustic red brick dwarf wall and would be sited adjacent to the gable end of the garage. It would introduce a further outbuilding into the front of the property and add to the amount of built form in this location. Moreover, the structure would be highly prominent on approach to the property.
8. Nevertheless, the purpose of the building, which would serve a functional need, would be compatible with that of the other structures in this part of the site, an area historically used for ancillary functional purposes. Visually, the limited size and low form of the building would be comparable to the adjacent row of buildings and its lightweight glazed appearance would mean that it would not be a dominant structure. The timber frame is a limited element of the proposal, likely to weather over time, and the use of a rustic brick to the lower part of the structure would reflect that of the brick of the garden wall, and thereby visually connect the building with the wider site. On that basis the structure would not appear incongruous in this location. Moreover, it seems to me that the building would assist in obscuring the end of the garage, a negative element in the setting of the listed building, and as such would enhance the appearance of this part of the setting.
9. Accordingly, whilst the proposal would undoubtedly change the setting of the listed building, it would not cause any harm to its significance as a heritage asset. In addition, the structure would not impact on any historic fabric and the important architectural details of the listed building would be preserved.

10. **I have noted the Council's contention that the greenhouse would be better** located elsewhere within the site. Having seen the site I am unconvinced that the introduction of a detached outbuilding into the otherwise open area of garden would preserve the setting of the listed building but notwithstanding that, I can only determine the proposal before me on its own merits.
11. On that basis the proposal would satisfy the statutory duty set out in s.16 (2) and s.66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which seek to ensure that when considering whether to grant listed building consent or planning permission for a proposal which affects a listed building or its setting, special regard should be had to the desirability of preserving the listed building and any special architectural or historic features of interest it possesses.
12. For the same reasons the proposal would accord with Policy PD2 of the adopted Derbyshire Dales Local Plan 2017 which seeks to conserve heritage assets in a manner appropriate to their significance taking into account the desirability of sustaining and enhancing their significance.
13. Given that I have found no harm to the listed building or its significance, there is no need for me to consider whether any public benefits exist or how they weigh against any harm in accordance with the tests of Framework.

#### Conditions

14. The Council has suggested conditions in the event of the appeals being allowed which I have considered in the light of the requirements of the Planning Practice Guidance (PPG).
15. In order to provide certainty and in the interests of proper planning a time limit condition is required on both decisions and a plans condition is required on the planning permission.
16. However, no reason has been given as to why the level of detail shown on the submitted plans is inadequate and I am unconvinced that full constructional details and further details of the proposed materials are necessary given the type of building proposed and its siting adjacent to a modern building set at a distance from the house. The level of detail set out in the application is proportionate to the type of development before me and I am satisfied that it will ensure that the contribution the setting makes to the significance of the listed building will be preserved. Such a condition would not therefore meet the tests set out in the PPG.

#### Conclusion

17. For these reasons and taking all other matters raised into account, the appeals are allowed subject to the conditions set out above.

*S Ashworth*

INSPECTOR



## Appeal Decision

Site visit made on 11 January 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

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Appeal Ref: APP/P1045/D/21/3277436

Derwent Reach, Aston Lane, Oker, Matlock, DE4 2JP

- 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 Martin Seddon (Martin Seddon Limited) against the decision of Derbyshire Dales District Council.
  - The application Ref 21/00441/FUL, dated 4 April 2021, was refused by notice dated 28 May 2021.
  - The development proposed is replacement garage/office with ancillary accommodation at first floor.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. I have taken the description of the development from the appeal form as the appellant agrees that the description has changed from that stated on the application form. I have determined the appeal accordingly.

### Main Issues

3. The main issues are:
  - the effect of the development on the character and appearance of the area, and
  - whether the proposal would constitute ancillary accommodation and if so whether the proposal would accord with the relevant development plan policies.

### Reasons

#### *Character and appearance*

4. Aston Lane is a narrow rural lane with a small number of properties of various siting and design along it. The appeal property is one of three dwellings broadly to the west side of Aston Lane set in generous gardens elevated above the lane with views over the river Derwent. It is a detached bungalow which is a long, low structure, built of buff coloured coursed artificial stone with grey tiled roof.
5. The bungalow's design is consistent with the neighbouring property to the south-west. To the north-east the appeal site is adjacent to a wooded area with the remainder of Aston Lane in that direction largely undeveloped. The rear garden of the appeal property rises considerably, and significant tree and shrub

planting separates the plot from dwellings at a higher level that face Stitch Lane. The bungalow is not a local vernacular building, but its design is consistent with its neighbour. The two bungalows have limited visual significance in the landscape and their spacious plots contribute to the rural character of the lane.

6. The proposed garage/office with ancillary accommodation would replace the existing flat roofed structure comprising two single garages and storage room attached to the existing property by a boundary wall and access gate. The proposed building would have an eaves and overall height considerably above that of the existing bungalow and it would be larch timber clad with a dark grey corrugated roof.
7. The proposal is intended to set a higher design standard as a separate barn-like structure. However, its height, scale, design, and materials would not sit comfortably with the scale and form of the bungalow. Although it would be set back, to the side and behind the existing bungalow, the building would be conspicuous in views from Aston Lane because of its height and design. Consequently, as the proposal would not be sensitive to the bungalow's scale and form it would be prominent in its setting and would look harmfully out of place.
8. I have noted the photographs of other development in the vicinity of the appeal site, including the wooden garage on Aston Lane. Whilst the examples illustrate that new structures of a different design can assimilate with existing buildings, in the example's provided outbuildings are generally subservient in scale or replicate the shape and form of the original or main building. Based on the limited evidence provided, I do not consider that these other schemes are directly comparable with the proposed development in its context.
9. I accept that existing landscaping to the front of the bungalow and within the woodland would filter some views of the proposal, but such features change over time and the existing landscaping does not alter my concerns about the proposal's design.
10. Overall, the proposal would harm the character and appearance of the area and would conflict with Policy HC10 of the Derbyshire Dales Local Plan (2017)(Local Plan) where it requires the height, scale, form, and design of outbuildings to be in keeping with the scale and character of the original dwelling.

#### *Ancillary accommodation*

11. The proposal would provide all the facilities necessary for the living accommodation to be self-contained. The appellant states that the ground floor study area and the garaging would be used on a day-to-day basis in connection with the main house. The first-floor accommodation would provide space for family visits and would remain empty for considerable periods of time. At 3 metres from the main house and utilising the same access and garden, the appellant also states that the proposed development would not operate separately from the main house.
12. The appellant draws my attention to case law where it was concluded that even if accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling, instead it would be a matter of fact and degree.

13. There is no evidence before me that the dwelling would be occupied **independently of the main house and although I note the Council's concern that** the proposed accommodation would be tantamount to a new residential planning unit, I must consider the development applied for, which is ancillary accommodation. Even if the structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted.
14. Policy S4 of the Local Plan supports certain forms of development outside defined settlement development boundaries (in the Countryside). The appellant argues that the replacement of the garage would accord with Policy S4 a) which supports development of previously developed land for employment use in certain circumstances. Whilst the appeal site may be termed previously developed land as the garden is not in a built-up area, the proposal is not principally for employment use and, for the reasons I set out above, would detract from the character and appearance of the area.
15. Further, whilst Policy S4 i) supports extensions to existing dwellings in accordance with Policy HC10, given my conclusion that the proposed building would not be acceptable in terms of Policy HC10, the proposed development would also conflict with Policy S4 in this respect.
16. Regarding Policy S4 m), siting the proposed building 3 metres from the existing bungalow would not lead to excessive encroachment or expansion of development away from the original building.
17. However, overall, whilst I have no evidence to conclude that the first-floor accommodation would be other than ancillary to the main house, for the reasons given above the appeal site is not an appropriate location for the proposed development having regard to Development Plan policies, and the proposal would conflict with Policy S4 of the Local Plan.

#### Other Matters

18. Even if ground conditions dictate the form of the construction of the building, there is no basis to conclude that the proposal would need to be the specific design applied for. Further, whilst the replacement of an inadequate structure and the use of energy from renewable sources is to be supported, I do not have sufficient evidence that the replacement structure would result in an overall environmental benefit. Therefore, I give these matters little weight.
19. I acknowledge that the Council did not seek to negotiate with the appellant. This is regrettable, but this factor alone does not remove the requirement for me to assess the appeal proposal on its own merits.

#### Conclusion

20. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

*Diane Cragg,*

INSPECTOR

## **BACKGROUND PAPERS**

The following documents have been identified in accordance with the provisions of Section 100(d) (5) (a) of the Local Government Act 1972 and are listed for inspection by members of the public.

Background papers used in compiling reports to this Agenda consist of:

- The individual planning application, (including any supplementary information supplied by or on behalf of the applicant) and representations received from persons or bodies consulted upon the application by the Local Planning Authority and from members of the public and interested bodies by the time of preparation of the Agenda.
- The Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and related Acts, Orders and Regulation and Circulars published by or on behalf of the Secretary of State for the Department for Communities and Local Government.
- The National Planning Policy Framework
- The Planning Practice Guidance

These documents are available for inspection and will remain available for a period of up to 4 years from the date of the meeting, during normal office hours. Requests to see them should be made to our Business Support Unit on 01629 761336 and arrangements will be made to comply with the request as soon as practicable.