
Appeal Decision

Site visit made on 1 November 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 14th November 2016

Appeal Ref: APP/P1045/W/16/3154655

Mor Farm, Foxholes Lane, Tansley, Matlock, Derbyshire DE4 5FQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Jeremy Drew against the decision of Derbyshire Dales District Council.
 - The application Ref 15/00863/OUT, dated 24 November 2015, was refused by notice dated 25 January 2016.
 - The development proposed is demolition of existing 2 storey workshop and single storey ancillary buildings and the erection of a 2 storey house as a self-build for owner occupation as a farmhouse.
 - The application is in outline with all matters reserved.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council have confirmed that they are not contesting the second reason for refusal in respect of ecology. Having regard to the information before me I agree that there is no evidence of harm to protected species, including bats.
3. Accordingly, the main issue is whether the site is a suitable location for residential development having regard to national policy.

Reasons

4. The policies within the Derbyshire Dales Local Plan 2005 (LP) relating to housing are considered to be out of date. Therefore paragraph 14 of the National Planning Policy Framework (the Framework) applies. This requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
 5. To promote sustainable development in rural areas, paragraph 55 of the Framework is clear that new housing should be located where it will enhance or maintain the vitality of rural communities, and isolated new homes in the countryside should be avoided unless there are special circumstances. One of the core planning principles of the Framework is also to actively manage patterns of growth to make fullest possible use of public transport, walking and cycling (Paragraph 17). Consequently, new residential development should not be detached from being part of a viable and vibrant rural community, where there would be access to day to day facilities without the need to travel.
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6. The appeal site is located in the open countryside, around 0.3-0.5 miles outside of Tansley, a rural settlement which contains basic services such as a public house, churches, a school and other facilities. Access to public transport would be from Tansley, although I have not been provided with any details of frequency or type of service. Access to this settlement would be via Foxholes Lane, a narrow rural road which is unlit and has no footpaths running along its length.
7. The appeal site comprises of a workshop building and other outbuildings. It is understood that the site was previously used for vehicle repairs and a builders storage yard. There are two dwellings in proximity to the site and I accept that the addition of a further residential property in this location would not be isolated in this respect. I also have no doubts that the residents of the property would make use of the services within the village, thereby supporting the community facilities.
8. However, the appeal site is located some distance from Tansley and I consider that the site would be isolated insofar as it would be remote from basic services and facilities required for everyday living.
9. Furthermore, while the appellant cites that Tansley is around a 10 minute walk from the appeal site, due to the nature and conditions of Foxholes Lane, I consider that that the future occupants of the proposed dwelling would not readily walk or cycle between the appeal site and the village. Instead it would be highly likely that the private car would serve as the regular and convenient means to reach services and facilities in Tansley, Matlock and beyond to meet the everyday needs of residents.
10. I recognise that permitted development rights would, subject to condition, permit the conversion of agricultural buildings to dwellings in rural locations. I also acknowledge that the Framework promotes the redevelopment of previously developed land and buildings. However, the Framework is clear that isolated new homes should be avoided. Moreover, the reuse of brownfield land does not constitute a special circumstance as set out in paragraph 55 of the Framework as an exception where such development would be considered acceptable, notwithstanding the exception for previously developed land in paragraph 89 in relation to inappropriate development in the Green Belt. Indeed, on the basis of the information before me, the development would not meet with any of the special circumstances as set out in paragraph 55.
11. Overall I conclude that the proposed residential development would not be in a suitable location and would be in clear conflict with the social and environmental objectives which underpin the Framework in respect of transport (paragraph 17) and accessibility (paragraph 55).

Conclusion

12. It is not disputed that the development would not cause harm to the character and appearance of the area. I also note that the development would make a small contribution to housing supply and would be 'self-build.' However, while such matters lend support to the proposals, the harm I have identified in respect of the suitability of the location for development significantly and demonstrably outweigh these benefits. The proposals cannot therefore be

considered sustainable development for which the Framework presumes in favour.

13. For the reasons above, taking into account all other matters raised, the appeal should be dismissed.

C Searson
INSPECTOR