

Appeal Decision

Site visit made on 4 January 2017

by John L Gray DipArch MSc Registered Architect

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

Decision date: 20 January 2017

Appeal Ref. APP/P1045/W/16/3160144

Land off Mapleton Road, Ashbourne, DE6 2AA

- 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 Miss Dawn McGhee against the decision of Derbyshire Dales District Council.
 - The application, ref. 16/00254/FUL, dated 5 April 2016, was refused by notice dated 17 June 2016.
 - The development proposed is a new 4-bedroom dwelling, detached garage and associated works.
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Decision: the appeal is dismissed.

Main Issue

1. There is really just one main issue in the appeal. It is whether the proposed dwelling would be incongruous and visually intrusive in this location.

Reasons

2. The appeal site lies very clearly in the countryside. There are several houses in the vicinity, and also the car park and buildings related to the Tissington Trail, but they all sit within a countryside setting. The buildings on the edge of Ashbourne are visible on the skyline to the south-east but, even in winter, are screened by hedgerow trees; they do not intrude unduly into what is essentially an attractive rural scene.
 3. Bridge Barn, just south-west of the land owned by the appellant, gives the impression of being a converted single-storey farm building, although it is actually a relatively large property. Brooklands Farm, a little further to the west, is a substantial dwelling but also looks like it is still a working farm. Tan Mill Farm, on the north side of Mapleton Road, appears to have two dwellings and some converted farm buildings but also active agricultural buildings. One way or another, all of these buildings or groups look as if they belong in the countryside.
 4. There are also two dwellings a little to the east of the appeal site, between Mapleton Road and the land owned by the appellant. They probably date from around the middle of the 20th century and look out of place in the rural scene, in principle as well as appearance, introducing an inappropriate and incongruous urban influence.
 5. The Tissington Trail is a former railway line. The trees along the old line give the scene around Mapleton Road a more enclosed feel, tending to obscure the extent of countryside beyond to the north-east. Its use as a railway walk has
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- brought a car park, another somewhat urban influence – but the leisure use cannot offer any precedent for a new dwelling.
6. A dwelling on the appeal site would appear divorced from other development in the vicinity. It would even stand apart from the two dwellings to the east, which themselves are an example of inappropriate development in the countryside. The steps said to ensure that the dwelling would fit comfortably into its surroundings would not actually have that effect. A 2-storey dwelling would not be adequately screened by the existing established hedges while the double garage, albeit much smaller than the dwelling, would simply be another building, accentuating the extent of a development not obviously related to its rural location.
 7. The Council could not demonstrate a 5-year housing land at the time of the application supply but now believes it can. Even if it cannot, however, that does not render any proposal for a dwelling automatically acceptable. If Policy SF4 saved from the Derbyshire Dales Local Plan is out-of-date, it is only in terms of what may or may not constitute countryside. In relation to this appeal, the site is in the countryside and criterion (a) of SF4 remains consistent with the first bullet point in paragraph 55 of the National Planning Policy Framework (NPPF). The same applies to criterion (a) of saved Policy H4; and, while the proposal is said to be affordable for the appellant, the need for it is not identified, as required by criterion (b). Accordingly, the appeal proposal conflicts not only with the policies of the Local Plan but also with more up-to-date policy in the NPPF.
 8. The identification in the SHLAA of the land to the rear of the appeal site offers little support. A SHLAA normally looks at all potential development land without creating any assumption that planning permission would be granted on a site it assesses. In this case, the site was discounted for highways reasons. Nor can the fact that the appeal concerns a single dwelling weigh in its favour. It might not raise the same highways objection as the larger site but, as reasoned above, other things act against the proposal.
 9. To conclude on this main issue, the proposed dwelling would be an incongruous and inappropriate intrusion into what is clearly countryside – a pleasant rural scene – without any justification that could lead to the principle being accepted. To allow it would conflict not only with the saved policies of the Derbyshire Dales Local Plan but also with the NPPF.

Other matters

10. On design, it is difficult to argue that the proposed dwelling would fail against any of the individual criteria of saved Policy H9. It is also difficult to argue that the design would necessarily be out of place in this location. A desire to continue traditional styles in rural areas is understandable but, without commenting on the suitability or otherwise of the proposed design, there has to be a place for modern architecture that is in keeping with those styles. What makes this proposal inappropriate is the proposed location, as reasoned above under the main issue. The quality of the particular design does not add unduly to that objection. Even if it were wholly traditional in its appearance, a dwelling here would be inappropriate in principle and would thus run contrary to criteria (a) and (c) of saved Policy SF5.
11. Reason for refusal no. 1 is essentially about sustainability, though it overlaps with reason for refusal no. 2 on the character and appearance of the countryside. The appeal site is no more than about 0.5km from the centre of

Ashbourne, close enough that it cannot automatically be said to be an unsustainable location. It is on a bus route and close to a bus stop – it may be an infrequent service but would be capable of being used, even if only in one direction. There is, however, a disincentive to walking or cycling in the absence of both footways and lighting along what is a relatively narrow stretch of road; it is not, though, a particularly busy road. On balance, the lack of sustainability argued by the Council could not on its own be a reason to dismiss the appeal.

Conclusion

12. Neither of the other matters raised above, or indeed any other matter raised in the representations, can outweigh the conclusion on the main issue, which leads to the decision to dismiss the appeal.

John L Gray

Inspector