
Appeal Decision

Site visit made on 6 February 2017

by Michael Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 17th February 2017

Appeal Ref: APP/P1045/W/16/3161542

Land opposite 30 Bedehouse Lane, Cromford DE4 3QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs A Daly against Derbyshire Dales District Council.
 - The application Ref: 16/00385/FUL, is dated 24 August 2016.
 - The development proposed is erection of two bedroomed detached dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site lies outside the Settlement Framework Boundary for Cromford and is therefore in the countryside for planning policy purposes, where permission is only granted for certain types of development under the provisions of saved Policy SF4 of the *Derbyshire Dales Local Plan* (2005)¹. It is no part of the appellants' case that the proposal would accord with these policy criteria.
3. However, they submit that the site has historically been in domestic use in association with No 30 Bedehouse Lane for a significant time and refer, amongst other things, to 1985 and 1990 permissions for a garage on the land which they contend is extant. No clear evidence has been provided in respect of these matters, however, and it is for the appellants to submit an application under the provisions of s191 of the Act if they wish to pursue this matter.

Main Issue

4. The Council confirms that, had it been in a position to determine the planning application at appeal, permission would have been refused on the grounds that the siting and design of the proposed dwelling would be harmful to the Outstanding Universal Value of the World Heritage Site, the setting of nearby listed buildings and the character and appearance of the Cromford Conservation Area.
5. Accordingly, the main issue in this case is the effect of the proposed development on the character and appearance of the Cromford Conservation Area, the Derwent Valley Mills World Heritage Site and the setting of listed buildings.

¹ This settlement boundary designation is carried through to the replacement Local Plan referred to below

Reasons

6. The appeal site lies to the east of Bedehouse Lane; a narrow, steep road which runs northwards from Barnwell Lane and serves a number of residential properties before reducing to a public footpath at the Almhouses and then leads down to Mason's Opening. The sloping, L-shaped site is contained by stone walls and hedging and is largely down to grass. It includes a timber shed, a small vegetable plot, scattered trees and bushes and a parking area which currently serves No 30.
7. The Local Plan is over 10 years old. The emerging/replacement Local Plan² is at a relatively early (deposit draft) stage in the process leading to formal adoption and its policies can therefore only be afforded limited weight. Paragraph 14 of the *National Planning Policy Framework* ('the Framework') indicates that where relevant development plan policies are out-of-date, permission should be granted unless specific policies in the Framework, such as those relating to designated heritage assets, indicate development should be restricted. In this case, saved housing Policies H4 and SF4 of the Local Plan are out-of-date. Saved Policies NBE16 ('Development Affecting a Listed Building'), NBE21 ('Development Affecting a Conservation Area'), NBE25 ('Derwent Valley Mills World Heritage Site'), SF5 ('Design and Appearance of Development') and H9 ('Design and Appearance of New Housing') are therefore most relevant to my determination of the appeal.
8. Within the extensive Conservation Area, built development on Bedehouse Lane in the vicinity of the appeal site is characterised by a cluster of traditional houses largely consisting of two-storey gritstone cottages, together with the Almhouses which form a focal point when approaching from the south. Distinctive gritstone walls enclose the lane and gardens and, in conjunction with the dwellings, impart a pleasant sense of enclosure. Housing on the east side of the lane near the site gives way to open land with views across Cromford Hill, an extensive area of steep, open pasture. The wider landscape provides a dramatic topography, including gorges, rivers and dense woodland together with the historic settlement of Cromford. I observed these features from the public rights of way on elevated land to the south-east of the appeal site which provide panoramic views of the area, including the appeal site.
9. Within this context, the site contrasts markedly with built development on Bedehouse Lane. Although hedging filters views from the lane when passing the site, the openness beyond is nevertheless readily apparent. When approaching from the north on the footpath, the site is perceived as part of the open land it adjoins notwithstanding that it is enclosed by low stone walls.
10. The erection of a dwelling on the site would fundamentally change its character. It would represent a significant incursion on a largely open site which contributes to the character and appearance of this part of the Conservation Area, where built development contrasts sharply with the openness of surrounding land and its wider open setting. Parked cars and domestic paraphernalia associated with the development would compound the impact. The proposal would also compromise the historic pattern of development on Bedehouse Lane, where housing is mainly on the west side of the route. As a result, the integrity of the Conservation Area in this location would be seriously eroded.

² *Derbyshire Dales Local Plan - Pre Submission Draft Plan* (2016)

11. The proposed dwelling would be constructed of local gritstone under a stone tiled roof. Like a number of other dwellings on Bedehouse Lane, the building would be set at right angles to the road and follow the contours of the land. However, it would be a relatively large dwelling on such a prominent site and would dominate this part of the lane.
12. In terms of design detail, the off-set chimney would unbalance the principal elevation, and the use of (what I take to be) vertical sliding sash windows would be out of keeping with nearby properties where side-hung casement units generally prevail. The large patio doors to the east gable would be particularly inappropriate. I agree with the Council and others that the design would comprise a pastiche which would fail to respect its setting and surroundings. The proposal would therefore conflict with Local Plan Policies SF5 and H9 which set out detailed criteria for the design and appearance of new development, including the preservation or enhancement of local distinctiveness and character.
13. The appeal site lies within the Derwent Valley Mills World Heritage Site (DVMWHS) Buffer Zone. Here, Policy NBE25 of the Local Plan states that planning permission for development will only be granted where it does not have an adverse impact upon the setting of the World Heritage Site. The site is prominently located within the Buffer Zone and is visible from the DVMWHS. Although it would generally be observed against a backdrop of established housing, the new dwelling would be a clear incursion on to open land, thereby compromising the setting of the DVMWHS.
14. I now turn to the implications of the proposal for listed buildings in the vicinity of the site. Despite the plot being on the opposite side of the lane its openness contributes to the setting of No 30 Bedehouse Lane, and this relationship would be diminished by the erection of the proposed dwelling. Nos 36-38 lie at fairly close quarters to the south-west of the site. The proposal would have some effect on the setting of the buildings by reducing openness, although the impact would not be significant.
15. Although it would screen to some extent the modern outbuildings within the gardens of Nos 41 and 43 when approaching from the north, the new dwelling would adversely impinge on the setting of the two dwellings, which is enhanced by the openness of the appeal site. It would also be observed in conjunction with the buildings when approaching from the south and further compromise their setting.
16. As noted above, the Almshouses form a focal point on Bedehouse Lane when approaching from the south. The openness of the appeal site contributes to their setting, providing contrast with built development on the west side of the lane that is visually terminated by the Almshouses. The proposal would compromise this setting. From the north, the new dwelling would be observed in conjunction with the Almshouses and the openness of the appeal site which enhances its setting would be eroded.
17. Drawing these findings together, I conclude on the main issue that the proposed development would not preserve or enhance the character or appearance of the Cromford Conservation Area, in conflict with Policies NBE21 SF5 and H9 of the Local Plan. It would also harm the setting of the Derwent Valley Mills World Heritage Site Buffer Zone contrary to Local Plan Policy

NBE25, and would harm the setting of the listed buildings I have referred to, in breach of Policy NBE16.

18. Although the proposal would lead to less than substantial harm to the significance of these designated heritage assets as described in paragraph 134 of the Framework, this harm is not outweighed by the public benefits of the scheme comprising a modest contribution to housing supply in the District and the sustainability credentials of the development.

Other Matters

19. The visibility to the west at the junction of Bedehouse Lane and Barnwell Lane is restricted and additional traffic generated by the proposed development would increase the likelihood of vehicular conflict here, to the detriment of highway safety. If I were minded to allow the appeal then I would have sought further information regarding the matter, but as I have found the proposal to be unacceptable for other reasons this course of action is unnecessary.
20. None of the other factors put forward by the appellants outweigh the harm to the significance of the designated heritage assets. Other issues raised in representations have no bearing on the planning merits of the proposal.

Conclusion

21. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector