
Appeal Decision

Site visit made on 7 February 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 23 March 2017

Appeal Ref: APP/P1045/W/16/3164514

Land east of Glebe Farm, Lower Street, Doveridge, Derbyshire.

- 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 Mrs Chadwick against the decision of Derbyshire Dales District Council.
 - The application Ref 16/00476/FUL, dated 15 September 2016, was refused by notice dated 10 November 2016.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site includes land owned by occupiers of the neighbouring property, The Old Byre. The owner's private legal rights over that part of the site are not negated by my consideration of the proposal before me.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is an open area of land, part of which is hard surfaced and part of which is roughly grassed. The site also includes the driveway of the neighbouring property 'The Old Byre', as set out above. The site currently provides vehicular access to a collection of farm buildings to the south.
 5. Permission is sought for a detached single-storey dwelling on the site, incorporating a carport with parking space for two vehicles. The dwelling would have a T shaped form, with a series of stepped roofs and would be faced in brick and timber with a clay tile roof. The existing access to The Old Byre would provide vehicular access to the site from Lower Street.
 6. Lower Street at this point is characterised on its south side by clusters of buildings, with areas of open space between, beyond which is open agricultural land. The road is narrow, has no footpaths and is unlit. Although the road serves a number of residential properties on the north side, it seems to me that Lower Street forms a clear physical boundary separating the built up part of Doveridge from the open countryside to the south.
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7. The site has been the subject of a previous appeal for a dwelling¹ and I agree with the previous Inspector that the presence of significant gaps of open land, free of buildings, helps define the rural character of the area. The appeal site, which forms part of one of those gaps, is open and bordered by a hawthorn hedgerow and consequently makes a positive contribution to that character.
8. The proposal would introduce a domestic building into an area where no building currently exists. Although single storey in height the dwelling would be visible along Lower Street from the east. Consequently the development would erode part of the visual break between groups of buildings and as such would have an urbanising influence on the rural character of the area. In this regard I am not persuaded that the previous Inspector's concerns have been adequately addressed.
9. The appellant has referred me to several appeal decisions concerning proposals for single dwellings in rural areas. One of those relates to a site further along Lower Street close to The Willows.² I do not have the full details of the case before me but it seems from the decision that the proposal did not relate to an open gap between clusters of buildings. The context of the site is therefore somewhat different to that of the appeal site. In addition, the Inspector concluded that the design of the development was outstanding and innovative and this factor added considerable weight to the decision. Similarly decisions to which I have been referred at Tansley³ and Kirk Ireton⁴, also appear to relate to development on sites of a different character and context to the appeal site. Again I do not have the full details of the cases before me but that at Tansley, whilst being in the countryside is surrounded on three sides by residential development and that at Kirk Ireton appears to relate to a site already in domestic use, between existing buildings. Consequently I am not persuaded that these appeals decisions justify the proposal before me.
10. I understand that the design of the proposed building has been altered since the previous decision but nevertheless I must consider the appeal as it is presented to me. The proposed dwelling would reflect the linear form and siting of The Old Byre and its positioning perpendicular to the road. I understand that the building has been designed to resemble an agricultural outbuilding. However, the mix of materials and fenestration detailing would result in a building which would lack coherence and would appear contrived. Consequently, I am unconvinced the building would resemble the local vernacular.
11. For these reasons, the proposal would harm the character and appearance of the countryside and as such would be contrary to policies SF5 and NBE8 of the adopted Derbyshire Dales Local Plan 2005 which seek in various ways to protect the local distinctiveness of the landscape.
12. I accept that the site lies in a sustainable location close to services and amenities and that the dwelling would not occupy an isolated location, which Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to avoid. It would provide an additional unit of residential accommodation which is a social benefit of the scheme. However, one of the

¹ Appeal Ref: APP/P1045/W/15/3119169

² Appeal ref: APP/P1045/W/16/3158359

³ Appeal ref: APP/P1045/W/15/3138585

⁴ Appeal ref: APP/P1045/W/16/3143109

core planning principles of the Framework is to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. For the reasons set out above, the proposal would encroach into the countryside and harm the character and appearance of the area. Consequently the proposal would not constitute sustainable development.

13. There is some disagreement between the parties as to whether or not the Council can demonstrate a 5 year supply of housing land. Even if policies for the supply of housing are treated as being out of date, and the mechanism of paragraph 14 of the Framework applied, the adverse impacts of the proposal, set out above, significantly and demonstrably outweigh the benefits that would flow from the provision of one new dwelling, when assessed against the Framework taken as a whole. Moreover, for the reasons set out above, the proposal does not constitute sustainable development, which the government is seeking to promote.

Other Matters

14. No objection has been raised by the Council to the proposal on the grounds of highway safety or the effect of the development on the living conditions of adjoining residents. Nevertheless I have taken into consideration comments made by the occupiers of The Old Byre. Whilst I accept that there is currently a degree of activity associated with the neighbouring agricultural buildings, the proposal would introduce domestic vehicle manoeuvring on the shared access in very close proximity to the frontage of the Old Byre. It seems to me that noise and disturbance associated with such activity could result in harm to the living conditions of occupiers of that property. It is also unclear how access would be gained to the agricultural buildings were the appeal allowed. Nevertheless, as I am dismissing the appeal for other reasons these matters are not determinative.

Conclusion

15. My overall conclusion, having considered all other matters raised, is that the appeal should be dismissed.

S Ashworth

INSPECTOR