



Appeal Decision

Site visit made on 24 September 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/M1005/W/19/3232902

Fountain Garage, Derby Road, Whatstandwell, Matlock DE4 5HH

- 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 & Mrs Wheeldon against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2018/1093, dated 6 November 2018, was refused by notice dated 14 June 2019.
 - The development proposed is the redevelopment of a petrol station site for commercial purposes including the provision of a new secure store and workshop building.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Derwent Valley Mills World Heritage Site (WHS).

Reasons

3. The National Planning Policy Framework (the Framework) advises that Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
4. The WHS, inscribed on the World Heritage List in 2001, occupies a 24km stretch of the Derwent Valley between Matlock Bath in the north to Derby in the south. The Derwent Valley saw the birth of the factory system in the late C18 when new types of building to house technology for spinning cotton, based on water power, together with workers' housing were erected in the rural landscape. As the Statement of Outstanding Universal Value (the Statement) tells us, the change from water to steam power in the C19 moved the focus of the industry elsewhere and thus the main attributes of this remarkable cultural landscape were arrested in time.
5. Regarding the integrity of the WHS, the Statement notes that the relationship of the industrial buildings and their dependent urban settlements to the river and to the topography of the surrounding rural landscape has been preserved, especially in the upper reaches of the valley, virtually intact. In relation to

authenticity, it notes that the overall landscape reflects well its technological, social and economic development and the way the modern factory system developed within this rural area on the basis of water power.

6. From my site visit I observed that the landscape to the part of the WHS where the appeal site is located is characterised by its sparsely developed rural character. To this side of the road low stone boundary walls are common to the boundary with the highway and woodland is also prominent either side of the road. The previous use of the site as a filling station with associated workshop building means that the appearance of the site is a departure from the rural characteristics of the surrounding landscape. Even so, the site retains an open quality and the relationship of development on the site with the WHS is relatively understated by virtue of the low boundary treatments to the site frontage, the open forecourt and the appearance of the workshop building and neighbouring bungalow with their modest height and parallel position set back from the front boundary.
7. I acknowledge the alterations made to the scheme during the planning application process which include a reduction in scale and the application of black stained timber cladding to the elevations of the building, the provision of timber infill sections to the gate and a hedge in front of the proposed boundary fence. The appellant also contends that the floor area of the proposed building would be less than that of the buildings to be removed. Even accounting for these factors, by virtue of the position of the secure store and workshop building at a right angle to the front boundary and its tall eaves height, the building would be prominent in views from the highway, particularly when approaching the site from the east.
8. The building would be partially screened by the proposed front boundary treatment. Whilst the hedgerow would be likely to blend in with the backdrop of existing vegetation, the incorporation of a heavy-duty sliding gate of considerable height and width to the front boundary would be discordant with other roadside boundary treatments which are generally more sympathetic to the rural characteristics of the WHS. As a result of these factors the new building and heavy-duty gate would be conspicuous structures that would not preserve or enhance the character or appearance of the WHS.
9. The appellant contends that the proposal would not intensify the use of the site when compared with the previous use as a petrol filling station and associated workshop. The information before me suggests the site would be used as a dispatch point for gritters, snow clearing vehicles, road repair vehicles and sweepers for a company that works in association with Derbyshire County Council. I note the Site Access Appraisal provided, which provides hypothetical vehicle movements based on those associated with a similarly sized filling station and a typical maintenance depot. This indicates vehicle movements would be likely to be significantly reduced when the two uses are compared. Nevertheless, the nature of activity and types of vehicles accessing the site is likely to be very different. Any heavy machinery and vehicles associated with the proposed use may give the perception of a more intensive operation. Overall, the evidence before me on the intensity of the use is inconclusive and does not overcome my concerns in respect of the visual impact of the proposal.

10. I do not find the appellant's comparison in terms of the historical industrial landscape and the proposal in this case for industrial development persuasive given the discordant appearance of the development within the WHS.
11. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
12. Accounting for the overall scale of the proposal relative to the wider WHS, the proposal would result in less than substantial harm to the significance of the WHS. Paragraph 196 of the Framework confirms 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.
13. The proposal would make use of a previously developed and currently derelict site and would have economic benefits through the development of the site and provision of a commercial use and any associated employment. However, there are likely to be more sympathetic ways to develop the site which better reflect the relationship with the WHS. The appellant suggests that the development would be the optimum viable use of the site and would allow for relocation of a business that is central to the area thereby reducing road-miles for associated vehicles. A reduction in road-miles would be positive, however given the scale of the operation any sustainability and economic benefits would be modest. Furthermore, it has not been demonstrated that there are no alternative ways to develop the site that would preserve the character or appearance of the WHS. Overall the modest public benefits do not outweigh the less than substantial harm identified.
14. For the foregoing reasons, the proposal would not preserve or enhance the character or appearance of the WHS. Consequently, in that regard, the development would be contrary to saved policies LS1, LS3 and EN29 of the Adopted Amber Valley Borough Local Plan (2006) and the requirements of the Framework.

Other Matters

15. The way in which the planning application was handled, whether or not the advice of Council officers was consistent and whether or not a consultee visited the site prior to making their comments are not matters for me to assess as part of an appeal made under s78 of the Act.
16. Other material considerations including the relationship with the Special Landscape Area, neighbouring living conditions, ecology, flood risk or highway safety matters are expected requirements to meet national and local policy rather than benefits of the proposal. Even though the proposal does not raise concerns in respect of these matters, this does not overcome the harm identified to the heritage asset.

Conclusion

17. For the reasons given the appeal is dismissed.

M Russell

INSPECTOR