
Appeal Decision

Site visit made on 8 January 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/M1005/D/19/3240878

Tower Cottage, Sunny Hill, Milford, Belper DE56 0QR

- 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 and Mrs Longdon against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2019/0219, dated 4 March 2019, was refused by notice dated 21 August 2019.
 - The development proposed is the erection of detached garage and block paving.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's decision notice as it best describes the development to which the appeal relates. The descriptions on the application and appeal forms contain superfluous detail for the purposes of identifying the appeal scheme succinctly and clearly. My use of this description does not alter the fundamentals of the proposed development nor does it prejudice the case of either main party in relation to it. I have proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area with particular regard to the Belper and Milford Conservation Area (BMCA), the setting of a grade II listed building and the Derwent Valley Mills World Heritage Site (DVMWHS).

Reasons

4. The appeal site comprises a detached two storey stone cottage with a number of single storey additions. It is sat in a roughly rectangular plot, broadside onto North Lane. It is mostly laid to grass and is read in the context of a similarly treated field that adjoins the plot to the north. There is a grade II listed railway sighting tower in close proximity to the northwest of the cottage, a key functional element of Stephenson's railway infrastructure. Built development in the immediate vicinity is low density and generally close to the road edge, open fields and a golf course adorn what is the crest of the hill over the Milford Railway Tunnel. The line of the railway is clearly visible from the northern edge of the adjoining field, allowing one to appreciate the relationship

between it and the sighting tower. There is a distinct rural quality to the area which is high up the side of the picturesque Derwent Valley. These factors combine to contribute positively to the setting of the tower and character of the BMCA. The uninterrupted rurality of the area around settlements and its connection with industrial production and movement are, to my mind, key elements of the significance of the DVMWHS.

5. There have been previous planning permissions granted at the appeal site which have increased the amount of built form in and around Tower Cottage. This has had something of an eroding effect on the rural characteristics of the BMCA and local landscape despite the fact that they have been largely contained within the immediate curtilage of the cottage. The proposed detached garage, a not insignificantly scaled building in isolation, would add to this. The building's size, bulk, use of a more modern design and proportions and degree of separation from the cottage would further erode the defining characteristics of the area both in conjunction with previous and approved additions and expand the spread of new buildings across a wider area as an example of new development in itself.
6. Whilst the appeal scheme would not represent the further creep of built development towards the listed sighting tower, for the same reasons as I have explained the garage would represent the addition of further built form within what is a defined and deliberate open and undeveloped setting which was historically so mainly for functional reasons as well as its elevation and focal point siting. Along with the additions to the cottage which have included further hardstanding and areas provided as part of the operation of a new café business, the new garage would add to a crowding effect on the tower, congesting what historically and significantly was a far more sparse surrounding.
7. The setting of the tower high on the top of the hillside of the Derwent Valley demonstrates what was a key functional element of the movement of goods produced therein. It therefore makes a positive and arguably nodal contribution to the significance of the DVMWHS. An adverse effect on its setting would therefore equate to one of some harm thereto.
8. The scale of the proposed development in context would lead me to conclude that the harm caused to the heritage assets would be less than substantial. As per paragraph 196 of the Framework¹, I am required to balance such against the public benefits. Over the fact that the proposed garage would provide for additional secure storage I am not aware of any other benefits the appeal scheme would yield. Taking this into account as well as the Framework's assertion of the weight that should be ascribed to the conservation of heritage assets and the fact that it would include harm to three key parts of local heritage significance I cannot see any conclusion other than that such harm could not be overcome. Consequently, the appeal scheme would fail to preserve or enhance the character or appearance of the BMCA, would impinge on the setting of a grade II listed building and reduce the outstanding universal value of the DVMWHS. Accordingly, there would be conflict with Policies EN24, EN27 and EN29 of the Local Plan². Amongst other things and along with section 16 of the Framework which sets out how the historic environment will be protected from harm, these policies seek to ensure that new development

¹ The National Planning Policy Framework 2019

² Amber Valley Borough Local Plan 2006

contributes to the preservation a listed building and its setting, contributes to the preservation or enhancement of a conservation area and preserves or enhances the character or appearance of the DVMWHS.

Other Matters

9. The Council's evidence alludes to additional harm arising out of the appeal scheme with specific regard to the use of a large amount of paving around the garage which would also include a path running from it to the cottage. The Council's officer report notes that the paving would not necessarily require the benefit of express planning permission. Be this as it might be, it nonetheless forms part of the proposed development. The addition of what would be a large area of hardstanding would accordingly reduce the natural verdant appearance of the curtilage to the cottage which relates well and therefore positively to the wider rural character which defines much of the BMCA, setting of the tower and the sides of the Derwent Valley more generally. This would therefore add to the harm and conflict with the development plan that I have found.
10. I note that consideration has clearly been given to the siting of the proposed garage in line with the cottage as has making sure appropriate materials would be used to complement existing buildings. I do not agree however that these factors would make up for the harms that I have found. I also acknowledge that the garage would not be obvious in some views of the tower or the valley side and it would be sat on a lower ground level to other more obvious buildings. Nevertheless, heritage harm may not in all cases depend on whether something can be readily seen in views and in any case I have explained above how I feel that the garage would be harmful in heritage terms. I am not therefore minded to allow the appeal in this light.
11. The appellant suggests that they find it difficult to reconcile an argument that the proposed garage can be harmful and the kennel building previously approved as part of the aforementioned other alterations to the cottage was deemed to be acceptable. Unfortunately, this is a matter I am unable to comment on in any great detail. The scheme for the alterations and additions to the cottage was determined by the Council and it is for them to justify that decision. Whilst aware of the outcome, I was not party to the circumstances thereof beyond what the Council have explained in their evidence. The scheme before me is for the erection of a detached garage which I have accordingly considered on its own merits, reaching the conclusions I have explained.

Conclusion

12. For the reasons I have set out above, and having regard to other matters that have been raised, the appeal is dismissed.

John Morrison

INSPECTOR