



Appeal Decision

Site visit made on 17 March 2020

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2020

Appeal Ref: APP/F1040/W/19/3243993

Land at Dish Lane, Sutton on the Hill, Derby DE6 5JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by F W Hall & Sons against the decision of South Derbyshire District Council.
 - The application Ref 9/2018/0911, dated 10 August 2018, was refused by notice dated 28 June 2019.
 - The development proposed is the erection of one cottage and garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the street scene and the village.

Procedural matter

3. I have adopted the amended site address used in the Council's decision notice, which I find more accurate.

Reasons

4. The appeal site is on the corner of Dish Lane and Brook Lane, with hedges along both of those boundaries and a gated access onto Brook Lane. The main body of the site is raised and partly visible above road level and contains three Scots Pines protected by a tree preservation order.
5. Sutton on the Hill is a small village loosely arranged along narrow lanes without footways. Its character and appearance derive from the informal layout of lanes and buildings, with consistency in materials, complemented by landscape features including verges, hedgerows and mature trees. Significant green spaces, some forming part of the countryside and others within the settlement boundary, punctuate views along the lanes within the village. The site is an example of the latter, forming a prominent green landmark when approached southwards on Dish Lane. For this reason, it makes an important positive contribution to the village's landscape character and informal appearance.
6. The proposal has been designed with sensitivity to site features including the protected Scots Pines and the hedgerows to Dish Lane and Brook Lane, all of which would be retained. However, its raised topography accentuates the

contribution it currently makes to the landscape character and appearance of the village. In this sense, the site's undeveloped nature is, of itself, an important landscape feature and it has not been demonstrated that this can be lost without harm to the local landscape. The proposed dwelling would, for the same reason of topography, be highly visible in views from the north and bring about a significant shift in the balance of built and green form within the village, to the detriment of its character and appearance.

7. My attention has been drawn to appeal decisions from 1987 and 1991¹. The earlier decision related to adjacent land on Brook Lane and the Inspector justified her decision to permit a house on that site by distinguishing it from this one, which she viewed as a vital element in the village character by reason of its openness. The later decision related to this site and the Inspector took a similar view, finding that even single storey development would damage the character and appearance of the village. While there have since been changes in national and local planning policies, the nature of the site and its contribution to the character and appearance of the village have not changed and lead me to a similar conclusion.
8. Although examples of corner plot development may be found in the village, none are identified in the evidence before me and I did not see recent examples when I visited. While reference has also been made to infilling in other villages, details have not been provided and this appeal must be determined with regard to the character and appearance of Sutton on the Hill.
9. Accordingly the proposed development would be contrary to policies BNE1 and BNE4 of the South Derbyshire Local Plan, which seek to ensure development retains key valued landscape components and adheres to design principles including responding to its context and respecting important landscape, townscape and historic views and vistas, and Part 12 of the National Planning Policy Framework, which seeks to achieve well-designed places.

Conclusion

10. For the reasons given above, the proposed development is unacceptable, and the appeal should be dismissed.

Mark Harbottle

INSPECTOR

¹ T/APP/F1040/A/86/055708/P3 and T/APP/F1040/A/90/167995/P8