



Appeal Decision

Site visit made on 10 November 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/P1045/W/20/3254561

Middlepeak Wharf, Middleton Road, Wirksworth DE4 4PJ

- 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 Punchard against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00143/FUL, dated 6 February 2020, was refused by notice dated 16 April 2020.
 - The development proposed is convert existing steel framed shed to form a new 5 bedroomed residential dwelling with attached annexe/holiday let.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would accord with relevant local policies with regard to viability; and,
 - Whether the development would preserve or enhance the character or appearance of the Middleton Conservation Area (MCA).

Reasons

Viability

3. The appeal concerns the conversion of a steel shed and adjacent yard associated with a haulage business, to two residential units and garden. At my visit there were many parked cars and an occupied portacabin. It appeared to be the site of an ongoing business.
4. Policy EC3 of the Local Plan¹ (LP) states that the development of business land or premises will only be allowed where the continuation of that business or industrial use is no longer suitable or commercially viable. The appellant advances the argument that the current site is too small to allow for expansion. However, there is no evidence before me that the business requires expansion to ensure its long-term viability or any indication of what is needed for that expansion. Consequently, I am unable to conclude that this site is unsuitable for the future sustainability of the business.

¹ Derbyshire Dales Local Plan 2017

5. Moreover, even if this particular business is no longer viable in this location, the site is employment land which would be lost to the district if this operation is relocated. There is nothing before me to indicate that the site could not attract other business use, particularly given that an attractive period stone cottage at the site entrance, Weighman's Cottage (the Cottage), has tied occupancy.
6. Furthermore, there is nothing before me to indicate that the proposed roof and resurfacing works are necessary for the ongoing viability of the existing business, as the current roof height and ground conditions have been adequate for the operation of the business to date. In any case, it is to be expected that all businesses need to maintain or repair premises at some point.
7. As such, I conclude that the development would not accord with local policies with regard to viability, and that it would be contrary to LP Policy EC3 as set out above.

Conservation Area

8. The site was once a siding for the former Cromford and High Peak Railway (CHPR) and is close to the steeply inclined section that leads to Middleton Top, now part of the High Peak Trail (trail).
9. The area's rugged character is derived from its upland location, and historic and contemporary industrial infrastructure. These provide the setting for a small scale building pattern with a distinctive period character scattered across wooded hillsides and steep pastoral fields, often dwarfed by the scale of the cuttings and historic engineering works.
10. The appeal site was part of Middlepeak Wharf, and the stone cottages and other period buildings located on the periphery of the former siding are tangible evidence of its former functional relationship with the CHPR. Although the Cottage has been extended, the extensions are sympathetically scaled and have a quasi-industrial appearance which are entirely appropriate in this context, and which retain and relate to the Cottage's simple and functional appearance.
11. The steel shed sits against the excavated hillside. Its size, stepped roof and simple linear form is both related and sympathetic to the size and scale of the Cottage, a few metres away. This is particularly apparent when viewing the siding from the road. The unassuming Cottage is prominent and foremost in views of the siding to its rear, and the shed appears as a subservient and ancillary structure positioned on the edge of the flat cutting.
12. The site is also seen from an elevated position on the trail. Although from this viewpoint the shed largely screens the Cottage, its position and functional appearance reinforces and references its current commercial and former industrial context.
13. The appellants have not provided a heritage assessment as required by Paragraph 189 of the National Planning Policy Framework (the Framework). However, from my observations and the evidence submitted by the Council, which is not disputed, I conclude that the significance of this part of the MCA is derived from the intact historic fabric and layout of the period structures, and the uncompromising juxtaposition of industry, settlement and agriculture. These are reflective of the area's economic and social evolution. On this

- particular site the heritage significance is a product of the form, function and fabric of the period buildings, and their spatial relationship with the former siding.
14. The proposals would include raising the shed's lower roof to the higher level, and adding a large side extension, also at the higher roof level. Consequently, there would be a significant increase in built form and mass. Moreover, the proposed expanses of glazing would reflect neither the positioning, number nor size of the existing apertures and would appear incongruous and unrelated to the shed's original typology. The shed's L-shaped footprint, form and appearance would be unrelated to its former commercial function or any other building on the siding. It would appear over-scaled in relation to the existing structures and the side extension and garden would encroach into the open space of the former siding.
 15. The awkward and contrived design would neither retain enough of the shed's original character and typology to be seen as an industrial conversion, nor would it present a stand-alone dwelling of any distinction. There is no relationship between form and function, and the development would neither reflect nor relate to its context. Even if the shed was not in a conservation area, I would conclude that it was not particularly well designed.
 16. As such, the underlying industrial character and historic layout of the siding, and the relationship between the shed and the Cottage would be diminished. This would be detrimental to the significance of the MCA and would amount to less than substantial harm.
 17. In such circumstances Paragraph 196 of the Framework states that the harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimal viable use. I have outlined above that there is no information before me with regard to the viability of the business, and by extension, to the shed. Although the development would lead to an additional dwelling and a holiday let there is nothing before me to suggest that either is in short supply in the district. The extended Cottage, already on the site, appears to be a reasonably sized family home. Given this has tied occupancy it is unclear whether this would be available for independent residential use if the business was no longer on the site, and in that case the only net gain would be a holiday let. Consequently, I conclude there are no or negligible public benefits arising from the proposals to weigh against the less than substantial harm to heritage assets and the loss of employment land.
 18. Accordingly, the development would neither preserve nor enhance the character or appearance of the MCA. It would be contrary to the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), and Section 16 of the Framework which is concerned with the historic environment. The Act requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. It would also fail to accord with LP Policy PD2 which requires development to conserve heritage assets in a manner appropriate to their significance and to ensure development contributes positively to the character of the built and historic environment.
 19. The development would also be contrary to LP Policy HC8. This is concerned with the conversion and re-use of buildings, and requires their form, bulk and general design to make a positive contribution to the character and appearance

of their surroundings. It also requires such conversions to be achieved without extensive alteration or extension, which would not be the case here.

20. The proposals would conflict with LP Policies S1, PD1 and PD5 which taken together are concerned with enhancing the Peak District character and the natural and historic environment, and retaining local distinctiveness, amongst other considerations.
21. LP Policy S4 sets out criteria for development in the countryside. New residential development is allowed, subject to the safeguarding of local character and appearance, in two instances. One is the conversion and re-use of buildings in accordance with LP Policy HC8, as set out above. The other is the re-use of buildings that are capable and worthy of conversion.
22. However, those existing buildings are expected to contribute to an established character and sense of place. Although I have noted that the shed contributes to the commercial and functional character of the siding, the development would diminish that character for the reasons set out above. Although the appellant argues that the holiday let would meet the needs of sustainable tourism, it has not been demonstrated that there is a local need for additional facilities. I conclude that the development would be contrary to LP Policy S4.

Other matters

23. I acknowledge that the Framework encourages the re-use of redundant buildings but the appellant has not demonstrated that the shed is redundant. In any case, this is guidance and the provisions of the Framework do not change the statutory status of the local development plan.
24. Paragraphs 146 and 147 of the Framework are concerned with Green Belt development. This site is not within the Green Belt.
25. Reference is made to Paragraph 51 of the Framework in relation to bringing empty buildings back into use but I am unable to find this text in Paragraph 51. In any case, as I have noted above, although the Framework is a material consideration it does not necessarily carry more weight than relevant local policies.
26. It is unclear which historic building would be restored by the development and I give this argument no weight. The appellant argues that the dwelling would be more attractive to look at for neighbours. However, the existing shed is not prominent in views from the cottage, and the nearest dwelling appeared to be both some distance away and separated from the shed by trees. In any case the commercial use of this site is intrinsic to its character and appearance.
27. I appreciate that the appellants might wish to live at the site even if the business is elsewhere, but personal preference is not determinative.

Conclusion

28. In the light of the above I conclude that the development would fail to accord with the local development plan, national guidance and the Act, and that therefore the appeal should be dismissed.

A Blacq INSPECTOR