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## Appeal Decision

Site visit made on 28 January 2021

**by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4<sup>th</sup> March 2021**

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**Appeal Ref: APP/R1038/W/20/3260623**

**Cedar End, Wingerworth Hall Estate, Wingerworth S42 6PL**

- 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 Tim Knight against the decision of North East Derbyshire District Council.
  - The application Ref 20/00170/FL, dated 13 February 2020, was refused by notice dated 30 September 2020.
  - The development proposed is for a 4-bed single storey dwelling with double garage/carport.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The proposed development is described differently on the planning application form than that which I have referred to above which I have taken from the decision notice and appeal form. From the plans submitted, the proposal was amended during its determination and the description above corresponds more accurately with the proposal before me. However, the planning application also refers to an outline approval on the land for a single storey dwelling<sup>1</sup>. I have taken this into account in my assessment below.
3. A Tree Preservation Order (TPO), dated 16 November 2020 was made after the decision was issued on the planning application and the appeal against the Council's decision lodged<sup>2</sup> but to my knowledge has not been confirmed.

### Main Issue

4. I consider that the main issue is the effect of the proposal on Grade II Listed Buildings and on the setting of a non-designated historical asset.

### Reasons

5. The appeal site is located to the south-west of a grouping of buildings comprising Wingerworth Hall Estate and includes a number of buildings and features associated with the original Hall including two service wings now converted to residential accommodation and comprising of Cedar End, Estate House and North End in the southern wing and The Yews/The Hollies and East

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<sup>1</sup> Planning Application Ref: 18/00703/OL.

<sup>2</sup> Ref: Tree Preservation Order No. NEDDC/TPO0273/2020.

View in the northern wing. A pair of stone gates are also located to the west of North Side. The buildings and the gates are Grade II Listed Buildings and represent an impressive grouping of the remains of a substantial Hall and its setting within the Wingerworth Estate.

6. To the south of the appeal site lies the remainder of a post-medieval deer park, now used as pastureland. This is recorded in the Derbyshire Historic Environment Record (HER) and is referred to as a non-designated heritage asset.
7. Local Plan<sup>3</sup> Policy GS1 relates to sustainable development and requires all development to preserve or enhance the environment of North East Derbyshire and its cultural assets, amongst other things. Policy BE9 establishes that development affecting the setting of a Listed Building will only be permitted if it preserves or enhances that setting. Neighbourhood Plan<sup>4</sup> Policy W11 reflects this. The National Planning Policy Framework<sup>5</sup> also sets out guidance for conserving and enhancing the historic environment. I have taken into account emerging plan<sup>6</sup> policies SDC6 and SDC9 but they have added little to my assessment of this proposal although I note their current status.
8. I note that the application has been amended a number of times since first submitted and whilst I accept that in itself it would be a low level building of single storey construction, it would be disproportionate to the size of the plot of land in which it would sit. It would be very close to the side boundaries of the site and with minimal space to the rear of the property; most of its amenity space being to the front of the dwelling which would include a garage/car port together with a driveway and manoeuvring space. This dwelling, on this plot of land, would appear cramped and overdeveloped.
9. The unacceptability of this proposal is exacerbated by its proximity to Listed Buildings where a higher standard of development would be required that preserved and enhanced the setting of the Listed Buildings. The impact of the proposal is worsened still further by the likely affect on trees on the site. The application indicates that a number of trees would be removed to accommodate the access drive and even trees that are indicated to be retained would be very close to the proposed dwelling. This effect on trees does not take into account the additional harm that could be caused to trees protected by a Tree Preservation Order. To my knowledge the TPO has not been confirmed and the effect on trees is not specifically cited in the reason for refusal. However, the threat to trees does need to be taken into account in particular to the overall setting of the Listed Buildings and the wider setting of the non-designated historic parkland.
10. The scale of this development is modest in relation to the overall scale of the Listed Buildings but the cramped appearance of the dwelling on this plot of land would detract from this setting. I do not disagree with the Council in that the impact would be less than substantial but this would not be offset by the limited public benefits that would accrue as required by the Framework.

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<sup>3</sup> North East Derbyshire Local Plan, Adopted 28 November 2005.

<sup>4</sup> Wingerworth Parish Neighbourhood Plan 2016 – 2033, Wingerworth Parish Council Final Plan July 2018.

<sup>5</sup> Ministry of Housing, Communities and Local Government National Planning Policy Framework, February 2019 (the Framework).

<sup>6</sup> North East Derbyshire District Council - Proposed Main Modifications to the North East Derbyshire Local Plan (Publication Draft) 2014-2034, November 2020

11. I note that the appellant has sought to amend the proposal whilst still being able to provide appropriate living accommodation for his family's requirements. I also note that the principle of developing this site for one dwelling is established by an extant outline planning approval but although some matters were reserved for subsequent approval, the plan accompanying the outline application indicates a much smaller footprint on the appeal site and does not justify this substantially larger one that I consider represents the overdevelopment of the plot.
12. Neighbouring occupiers have raised various objections to the proposal which I have taken into consideration. I have also considered all other matters raised but none alter my conclusion. I conclude that the proposal would conflict with the requirements of the Framework and aims of policies GS1, BE9 and W11, referred to above. The appeal therefore fails.

*J D Clark*

INSPECTOR