



Appeal Decision

Site visit made on 12 January 2021

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2021

Appeal Ref: APP/M1005/W/20/3260331

Ecclesbourne View, Rood Lane, Idridgehay, Belper DE56 2SS

- 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 Mrs Hayley Scott against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2020/0086, dated 28 January 2020, was refused by notice dated 29 July 2020.
 - The development proposed is one dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved. Therefore, I have treated the submitted site layout plan and images as being for illustrative purposes.

Main Issues

3. The main issues are:
 - The effect on the setting of the Grade II listed Wallstone Farmhouse;
 - The effect on the character and appearance of the surrounding landscape;
 - Whether the proposal represents an appropriate location for housing in terms of accessibility to services and facilities.

Reasons

Setting of listed building

4. The Framework defines the setting of a heritage asset as the surroundings in which an asset is experienced, the extent is not fixed and may change as its surroundings evolve. Elements of a setting may make a positive contribution to the significance of an asset, may affect the ability to appreciate the significance, or may be neutral.
5. Wallstone Farmhouse is a surviving example of an isolated Derbyshire farmhouse from the early 18th century and follows the local vernacular tradition, being comprised of coursed squared gritstone with ashlar dressings, quoins, moulded copings and kneelers, and end ridge stacks. The appellant's heritage statement ascribes the building high heritage significance. The

farmhouse forms part of a wider historic farmstead, including the stone barns to the north which have been converted to dwellings.

6. This cluster is set in typically rural surroundings, occupying a position above the level of the lane with views over the shallow valley of the nearby brook and the natural, wooded surroundings to the west around the railway line. The surroundings are enclosed to the east and north by the rising topography, but the position of the farmstead above the level of the lane affords it a prominence in the natural landscape which reflects the historic relationship between the listed building and surrounding agricultural land. These retained natural surroundings form an important part of the setting of the listed building and contribute strongly to its significance.
7. The setting has been subject to change, notably the construction of the 1960s dwelling, Ecclesbourne View, immediately next to the farmhouse. The Council's conservation officer considers the dwelling to be of negligible heritage significance. Ecclesbourne View is a markedly different building in its appearance, being white rendered with modern styling and fenestration. It detracts somewhat from the setting of the listed building by reducing its visibility and presence in views from the south on Rood Lane, which are experienced year-round by those walking on the public footpath which follows the lane, given the low walls and hedgerows which form the front boundaries of the properties.
8. The proposal seeks a new dwelling within the side garden of Ecclesbourne View, towards the rear corner where a small timber summer house stands at present. Though part of the curtilage of the dwelling, this area is natural in appearance, providing continuity to the rural landscape which extends to the east behind the site and to the south along Rood Lane, and which forms part of the natural setting of the listed building.
9. The development is proposed in outline, and in the absence of precise details of the position, scale and appearance of the dwelling, it is not possible to draw firm conclusions on the detailed effect of the dwelling's design on the setting of the listed building. However, the principle may be considered and it is indicated that the proposal would comprise a partially subterranean development achieved through cutting into the sloping topography of the site and sinking the dwelling into the ground, such that only one floor is visible above ground. Whilst the details submitted are illustrative, the appellant in her statement of case makes reference to the development being 'barely visible' and 'set down' in the site, which suggests an intention to pursue a partially sunken dwelling.
10. The appellant places emphasis on Ecclesbourne View having already diminished the significance of the listed building, and thus the proposed dwelling would have no further adverse effect. However, even accounting for the later dwelling, the setting of the listed building still retains the rural characteristics of the farmhouse's origins, and the appeal site forms part of this, being absent any substantial development. The dwelling would stand apart from existing buildings and would extend built development further into the open countryside. The natural appearance of the site would be replaced by an urbanised one, given the creation of another dwelling would involve additional features such as an access, driveway and outbuildings. This additional development would further intrude upon the setting of the listed building and

further erode its status as an isolated rural farmhouse, thus harming its surviving heritage significance.

11. Moreover, the subterranean concept, if pursued, would create a very different building to those which exist, and would form an eye-catching feature as a result, particularly if proposed to the highest part of the site as illustratively shown on plan. Even a flat-roofed, single storey development would be readily visible from the lane and such a contemporary design would form a conspicuous feature within the setting of the listed building which would jar with the traditional form of the farmhouse and the rural setting which contributes to its significance.
12. I acknowledge that a wholly different design could be put forward at reserved matters stage, but given the topography and openness of the site, any dwelling would occupy a raised and visible position and would have a similar adverse effect on the setting of the listed building. I am also mindful of the indications of the appellant that screening landscaping would be provided, which adds to my concerns that the dwelling would not sit comfortably in the setting of the listed building. Therefore, I am not persuaded that details provided at reserved matters stage would address my concerns in respect of the encroachment of built development into the countryside and the resulting adverse effect on the setting of the listed building.
13. For these reasons, I find that the proposal would harm the setting of the listed building and its heritage significance, contrary to Policy EN24 of the Adopted Amber Valley Borough Local Plan (2006) (the Local Plan) which states that new buildings within the setting of listed buildings will only be permitted where the proposals contribute to the preservation of the listed building and its setting. There would also be conflict with Policy L1(c) of the Idridgehay & Alton and Ashleyhay Neighbourhood Plan (March 2015) (the NP) which requires development to respect the setting of any group of houses or single farmstead.
14. I agree with the Council's view that Policy EN24 is not entirely consistent with the Framework in that it does not allow for consideration of public benefits as set out in Paragraph 196. Accordingly, the conflict with this policy attracts moderate weight. Having regard to the aforementioned significance of the listed building, the harm in this respect would be less than substantial, in the language of the Framework. I consider the test of Paragraph 196 of the Framework below.

Effect on Landscape

15. The appeal site falls within a Special Landscape Area (SLA) which incorporates Ecclesbourne Brook, designated as a Site of Importance for Nature Conservation and the River Ecclesbourne Meadows, designated as a Local Wildlife Site with semi and unimproved grasslands, which I saw in the immediate environs of the site. The site also lies within the Derbyshire Peak Fringe and Lower Derwent (Character Area 50)¹ and within the Wooded Farmlands landscape type, the key characteristics of which include undulating, intermediate landform, with gentle slopes, scattered ancient woodlands and hedgerow trees locally dense in places and scattered sandstone farmsteads and occasional hamlets.

¹ As set out in the Derbyshire County Council Landscape Character Assessment

16. I saw the surroundings of the appeal site to generally reflect this character. The land rises gently to either side of the brook, forming a shallow valley within which the appeal site sits. Trees line the brook and railway line and screen views to the west towards the village of Idridgehay, whilst the rising land to the east encloses the site to that side. The landscape is relatively confined as a result, but it is experienced by users of the public footpaths running north-south through the area.
17. The proposal would add conspicuous built form into this predominantly natural landscape which would have no functional connection to the historic farm buildings. Notwithstanding that a detailed design is not provided, the dwelling would occupy a position on one of the characteristic gentle slopes and would extend the built form in an atypical linear fashion along the lane which would detract from the single farmstead centred on the farmhouse with clustered curtilage buildings. Contrary to the appellant, I found the appeal site to be clearly open to views from the public footpaths. Consequently, the impact of the dwelling would be seen by several receptors, and it would reduce the gap to the next built form, the farm buildings further along Rood Lane to the south. Therefore, the proposal would erode the natural qualities and intrinsic beauty of the landscape.
18. For these reasons, I conclude the proposal would significantly harm the landscape character and appearance of the area. Consequently, there would be conflict with Policy EN6 of the Local Plan, which permits development in SLAs only where it does not have an adverse effect on the landscape quality or character. There would also be conflict with Policy L1 of the NP which requires development to reflect the distinctive character of the landscape and its scenic beauty; to respect the setting of any group of houses or single farmstead; and not to be unduly prominent in the landscape.
19. In seeking to protect a valued landscape and recognising the intrinsic character and beauty of the countryside, I find that Policies EN6 and L1 are consistent with the aims of the Framework, and therefore should be afforded significant weight.

Location for housing

20. The Local Plan does not define settlement boundaries, but from my site visit it was clear that the appeal site lay beyond the continuous built-up area of Idridgehay, and is within the open countryside. Policies EN1 and H5 restrict development in the countryside to specific circumstances, none of which are applicable to this proposal for a market dwelling. Accordingly, the proposal would conflict with these policies.
21. The Council concedes that Policy H5 is inconsistent with the Framework in that it places a blanket restriction on new housing, contrary to the balanced approach of the Framework. Accordingly, I afford limited weight to the conflict with Policy H5. I am referred to a recent appeal decision² where the Inspector found Policy EN1 to also be inconsistent with the Framework for a similar absence of a balanced approach to development in the countryside. The Council indicates that the designation of the appeal site as a 'valued' landscape means that weight can still be afforded to Policy EN1. However, there is no reference

² Appeal Ref APP/M1005/W/20/3246623

to valued or designated landscapes in Policy EN1, and therefore I find it is not consistent with the Framework and should be afforded limited weight.

22. Nonetheless, the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Idridgehay has a few facilities within walking distance, including a public house, village store, corn store, a church and a tourist train service. The dwelling could help to support these facilities, but future occupants would still be largely reliant on journeys to larger settlements to meet most shopping, work and education needs. Indeed, the appellant confirms they regularly travel to Belper and Wirksworth for these purposes. Such journeys would be mainly made by private car, with little prospect of regular commuting by other means such as cycling or public transport.
23. I acknowledge that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas; but it also requires development proposals to take account of opportunities to promote walking, cycling and public transport. In this case, the appellant offers no justification for locating the dwelling in the countryside where there would be a lack of viable transport alternatives to the private car. Therefore, I find that the proposal would not be an accessible location for housing and would conflict with the aims of the Framework to direct development to the most sustainable locations. Though not cited within the reasons for refusal, there would also be conflict with Policy LS1 of the Local Plan which requires development to be well related to existing patterns of development, minimising the need to travel between home, work and other activities and to provide opportunities for journeys other than the private car.
24. In reaching a view on this issue, I have had regard to the planning permissions referred to by the appellant. However, the circumstances of these cases differ in terms of location and the material considerations which were taken into account and therefore they are not directly comparable to the present appeal, which I have considered on its own merits.

Other Matters

25. I have had regard to other concerns raised by interested parties, including traffic, highway safety, water quality, flood risk and the accuracy of information provided. Ultimately, the Council does not oppose the proposal on grounds other than those set out in the main issues and, taking account of the evidence before me, I have not identified other matters of such significance as to result in further benefits or harms to be factored into the planning balance.

Planning Balance

26. The harm identified to the setting of the listed building, and subsequent harm to its heritage significance, would be less than substantial, in the language of the Framework. Paragraph 196 advises 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 securing its optimum viable use.
27. The proposal would deliver an additional dwelling that would add to the District's housing stock and meet with the Government's aims to boost the supply of housing, but this would be a limited benefit given the small scale of

the proposal and the Council's stated ability to demonstrate more than a five year supply of deliverable housing land, which is not disputed by the appellant.

28. There would also be limited economic benefits from the construction of the dwelling, though these would be temporary, and from subsequent economic activity by future residents in the local area. Environmental benefits from proposed landscaping would be modest, at best. I consider these public benefits, taken together, would be insufficient to outweigh the less than substantial harm to the heritage significance of the listed building.
29. Notwithstanding that I have found certain policies of the Local Plan to be out of date, the 'tilted balance' of Paragraph 11 of the Framework is not engaged where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Designated heritage assets are one such area or asset, as made clear by Footnote 6. In view of the harm to the significance of the listed building identified, Paragraph 11 does not indicate a presumption in favour of development, but rather points to the refusal of permission.

Conclusion

30. For the reasons set out, the proposal would conflict with the development plan, taken as a whole. This conflict is not outweighed by the other material considerations in this case. Therefore, for the reasons given, and taking all relevant matters into consideration, the appeal is dismissed.

K Savage

INSPECTOR