



Appeal Decision

Site Visit made on 1 June 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2021

Appeal Ref: APP/P1045/W/21/3271025

Cuckoostone Grange, Cuckoostone Lane, Matlock Moor, Matlock DE4 5LZ

- 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 Peter Waldon (Good Reit Limited) against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00840/FUL, dated 2 September 2020, was refused by notice dated 28 October 2020.
 - The development proposed is erection of wine making and machinery storage building.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a wine making and machinery storage building at Cuckoostone Grange, Cuckoostone Lane, Matlock Moor, Matlock DE4 5LZ in accordance with the terms of the application, Ref 20/00840/FUL, dated 2 September 2020, subject to the conditions listed in the schedule below.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located within a rural location on the side of a valley. The surrounding area is primarily characterised by fields surrounded by a mixture of stone walls and planting. However, at my site visit I also noted a large number of trees and some substantial wooded areas. Within the surrounding area, a range of agricultural and residential buildings are visible sporadically sited within the landscape. Although there is a large golf course next to the site, it does not significantly alter the rural character of the landscape. The appeal site itself is a small paddock laid out in gravel and containing solar panels, sited within a vineyard. A short distance away, down the slope, is a garage building and near this is a range of buildings set around a courtyard.
4. Although in a somewhat open position on the side of the valley, longer range views of the site and proposed building are largely softened and in places completely screened by the large number of trees in the surrounding area as well as by a number of folds in the landscape. From my observations on site and from nearby public footpaths, closer views are also limited by trees, the grape trellises, other vegetation, and the landscape itself. Moreover, as a result of the reprofiling of the paddock, a significant portion of the building would be screened by the existing walls around the paddock which follow the slope of the land. This would also help reduce the apparent height of the building in views

from the lane between the appeal site and golf course. Although part of the appeal site would be raised as a result of the reprofiling, this would still be lower than the existing stone walls and so would not be an incongruous feature. As such I find the proposed building would appear similar in views to the existing sporadic development within the wider landscape.

5. The proposed building itself is relatively simple in appearance and form, and makes use of a limited palette of materials. The detailing on the building, including doors and fenestration, is also simple in appearance. Overall, the appearance of the building suggests an agricultural building such as a barn. I note the Council's concerns that the building would not, however, accurately replicate a 'field barn' given its detailing and location. While this may be the case, I find this is not a harm in itself and that this would ensure the legibility of the surrounding landscape and its buildings.
6. I note the Council's concerns regarding the height of the tractor/machinery section of the building, and that the roof height is unnecessary given the height of the doors. However, given my findings above, the height of the building would not be overly prominent or intrusive. Therefore, while the roof height may not be necessary for vehicles, I do not find it to be harmful or unacceptable. Furthermore, whilst this section may be able to accommodate a first floor this is not before me.
7. From my observations on site, and the information before me, I noted a number of lanes, footpaths, and field accesses within the surrounding area. I find these to be a common feature within the landscape. The proposed track would be at the edge of the field where it would be screened between the grape trellises and the field boundary treatments, these would soften its appearance in both close and distant views. Moreover, I find that the principle of a new access through the dry stone wall would not be unacceptable and, were the appeal allowed, further details of the works could be required through a suitably worded condition. Overall, the proposed access and track would be commensurate to the scale of the use at the site and would not be out of keeping with the character and appearance of the surrounding landscape.
8. Therefore, in conclusion I find the proposed building and associated track and access would not be harmful to, or encroach on, the open countryside to the detriment of the character and appearance of the area and landscape. The proposal would therefore comply with Policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan 7th December 2017 which, amongst other things, require that development is of a high-quality design that protects and maintains the aesthetic qualities of the natural and man-made features of the landscape.

Other Matters

9. I note the Council's concerns regarding the track not being sufficient to allow machinery to manoeuvre. However, from my observations on site, sufficient space is available for vehicles to manoeuvre within the appeal site and, were the appeal allowed, a turning area and parking could be achieved through a suitably worded condition. I also noted during my site visit that the lane leading up to the appeal site is only a single track with very few passing places. I find it likely that the sale of goods directly to members of the public could result in a significant increase in traffic along the lane. Given the condition of the lane and that it is a public right of way (PROW), such an increase in traffic

could be harmful to highway and pedestrian safety. However, should the appeal be allowed, direct sales to members of the public could be restricted through a condition. Subject to the above, there would be no harm to the safety of those using the lane and PROW.

10. The Council has also raised concerns over the possible need for future extensions to the building. While this may be the case, this is not before me and an extension would likely be subject to consideration by the Council under a planning application.
11. I note the concerns raised regarding the likely complete loss of the existing solar panels on the appeal site. I note also that the creation of sustainable energy is of environmental benefit. However, the solar panels could be removed at any time by the appellant, without planning permission. Moreover, there would likely be some environmental benefits to consolidating the production process at the appeal site. I therefore find that the loss of the solar panels is not so harmful as to alter my determination on this appeal.
12. Concerns have also been raised regarding the additional waste treatment requirements stemming from wine production. While it is likely that there would be additional needs, given the small scale of the vineyard, I find no reason to believe that it could not be accommodated through the proposed package treatment plant.

Conditions

13. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance and in the interests of clarity and enforceability I have made some changes to the suggested wording. I have imposed a condition specifying the approved plans as this provides certainty.
14. Given the level of detail provided it is necessary, in order to protect character and appearance and highway safety, for conditions to be imposed requiring the submission of further information for external materials, landscaping, and parking and turning spaces. However, I find not all of the details required by the Council are necessary given the siting of the building. As such, I have not included those that relate to finer details such as doors, fenestration, rainwater goods, and meter boxes.
15. Given the rural location of the appeal site, existing background noise levels are likely to be low. As there are residential properties close to the building, they could be affected by any increase in noise levels at the appeal site. I therefore find a condition requiring the assessment of noise levels and, if necessary, the provision of mitigation, is necessary in order to protect the living conditions of the neighbouring occupiers.
16. As the building would allow wine to be produced fully within the appeal site it is likely that this would result in a new opportunity for the sale of produce directly to members of the public. Given the existing road conditions highlighted above, in order to protect highway and pedestrian safety, a condition is necessary restricting such sales to limit the number of vehicular movements to and from the site.
17. The Council has also suggested a condition requiring the building to remain ancillary to the ownership of Cuckoostone Grange. However, I find such a

condition would be overly restrictive and that the purported harm to highway safety and amenity have not been clearly demonstrated. As such I have not imposed this condition as I do not consider that it meets the test of necessity.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LDC3118-PL-01 and LDC3118-PL-02
- 3) Prior to the provision of any external materials or boundary treatments, details shall be submitted to, and approved in writing by, the Local Planning Authority of:
 - the hereby approved building's facing and roofing materials;
 - any retaining walls, including their length, height, facing materials, and structural integrity;
 - and, any boundary treatments.Thereafter the development shall be carried out in accordance with the approved details.
- 4) Prior to the first use of the building hereby permitted, details of a scheme for the hard and soft landscaping of the site, including an area for on-site parking and turning, shall be submitted to, and approved in writing by, the Local Planning Authority. The agreed hard surfacing, parking, and turning areas shall be provided prior to the building first being brought in to use. The soft landscaping shall be provided in the first planting season after the occupation of the building. Thereafter, the parking and turning areas shall be maintained free from any impediment to their designated use.
- 5) Prior to the first installation of any wine making facilities within the building hereby permitted, a noise mitigation scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall detail measures to ensure that any noise associated with the operations within the approved building and its curtilage do not cause harm to the amenity of any neighbouring residents. Any such recommended measures must be put in place prior to any wine making facilities being used within the building and retained throughout the life of the development.
- 6) There shall be no on-site sale of produce to members of the public.