



## Appeal Decision

Site Visit made on 25 May 2021

**by K Savage BA MPlan MRTPI**

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

**Decision date: 05 July 2021**

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**Appeal Ref: APP/P1045/W/21/3266851**

**Reevsmoor, Hoargate Lane, Hollington, Ashbourne DE6 3AG**

- 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 Helen Livesey against the decision of Derbyshire Dales District Council.
  - The application Ref 20/01011/OUT, dated 14 October 2020, was refused by notice dated 9 December 2020.
  - The development proposed is a new dwelling.
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### Decision

1. The appeal is allowed and outline planning permission is granted for a new dwelling at Reevsmoor, Hoargate Lane, Hollington, Ashbourne DE6 3AG, in accordance with the terms of the application Ref 20/01011/OUT, dated 13 October 2020, and subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. The application was made in outline with all matters reserved. Accordingly, I have treated the submitted plans as being for illustrative purposes only.

### Main Issues

3. The main issues are whether the proposal would represent a suitable location for housing, having regard to relevant development plan policies and national guidance and, if found to be in conflict with the development plan, whether other material considerations in this case would outweigh this conflict.

### Reasons

#### *Location for Housing*

4. The appeal relates to Reevsmoor, a detached dwelling with land to the side that presently contains a detached garage. The dwelling forms part of a short stretch of some nine dwellings in a linear pattern along one side of Hoargate Lane. Beyond the curtilages of these dwellings are agricultural fields forming part of the open countryside.
5. The appellant argues that this group of houses forms part of the village of Hollington for planning purposes, and would represent limited infill development which is supported under Policy S2 of the Derbyshire Dales District Council Local Plan (December 2017) (the Local Plan). The Council argues that the group is physically detached from the built-up area of the village and lies within the open countryside for the purposes of applying development plan policy.

6. Policy S2 sets out the settlement hierarchy for the district, providing that development will be directed towards the most sustainable locations in line with the hierarchy. Hollington is within the fifth tier of development – Infill and Consolidation Villages – settlements which are described as having a lack of basic facilities to meet day-to-day requirements, but which could have scope for very limited development within the physical confines of the settlement where this is limited to infill and consolidation of the existing built framework. The policy also supports use of brownfield sites on the edge of settlements and sites which would provide affordable housing.
7. Hollington does not have a defined settlement boundary under the Local Plan. It therefore falls as a matter of planning judgment, having regard to the particular site circumstances, as to whether it physically forms part of the village for planning purposes.
8. The central core of the village lies some 1.3 km north of the appeal site, around where Main Street meets Marsh Hallow and Back Lane. There are further clusters of development along Hoargate Lane between the core of the village and the appeal site, one at around 750-950 metres north and another between 350-550 metres north. The appellant refers to a continuous hedgerow along the lane as defining the built framework of the village; however, it was evident to me upon travelling from the centre of the village that each successive cluster along Hoargate Lane felt more detached from the village and increasingly part of the countryside. The row of development in which the appeal site sits is a smaller grouping at least 350 metres from the nearest cluster in the direction of Hollington, and surrounded by open countryside on all sides, with no development on the opposite side of the road. Indeed, the closest development is a cluster around 175 metres to the south, and the site also appears closer to the village of Longford than to the core of Hollington.
9. Given these physical characteristics, it is my judgment that the appeal site does not lie within the physical confines of Hollington, and therefore does not fall under the fifth tier of Policy S2. Rather, it lies within the open countryside, within which Policy S2 strictly limits development which has an essential need to be located in the countryside.
10. Policy S4 expands on this position and sets out the forms of residential development which would be supported in the countryside. The proposal is not advanced as a form of affordable housing, nor is a case made that it is needed for an essential worker in agriculture or forestry. The proposal is not a conversion of an existing building, nor a replacement of an existing dwelling. Its location outside of the physical confines of Hollington means it does not gain support under the first bullet point of criterion i). Therefore, I find that none of the supported forms of development would apply to the appeal scheme, and the proposal would therefore conflict with the settlement strategy of the Local Plan as set out under Policies S2 and S4.

#### *Other Material Considerations*

11. The appellant points to Policy S9 of the Local Plan which supports development of rural parishes through, amongst other things, supporting development of new housing on sustainable sites. The appellant also refers to Policy HC1 which supports the continued delivery of housing through the effective re-use of land by encouraging infill developments, an approach also advocated by the National Planning Policy Framework (the Framework).

12. The proposal would replace an existing garage, and would sit within an established line of development. Having seen the site, I am satisfied that a dwelling could be designed at reserved matters stage that would respect the surrounding character and the living conditions of neighbours, whilst retaining sufficient land for the existing dwelling. Given the brownfield nature of the site, the proposal would not lead to further encroachment of development into the countryside and, though not located within a village, it would be a form of infill development that would consolidate the existing built framework. In these respects, the proposal would make effective re-use of the land in accordance with Policies S2, S9 and HC1 of the Local Plan, and the Framework. It would also reflect, to some degree, the thrust of Policy S4 to locate development where it would not encroach into the open countryside and would protect the landscape's intrinsic character and distinctiveness.
13. Moreover, Paragraph 78 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. There are dwellings immediately adjacent to the appeal site on both sides and the proposal would not amount to an 'isolated home' for the purposes of the Framework. Although there are few facilities in Hollington, the Framework recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby. Therefore, the addition of a dwelling would provide social and economic benefits for the local area through occupants using services in nearby villages.
14. I accept that the distance to the nearest facilities in Hollington, and those in other towns and villages, mean most if not all journeys would be made by private car, with little prospect of regular commuting by other means such as walking, cycling or public transport. However, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and the small scale of the proposal in this case means that additional car journeys would be limited in number, as would any consequent environmental harm.
15. I note that planning permission was granted for a dwelling on the site in 1993, but never implemented. This permission was granted under a different policy context to that now in place, and given it has long since expired, it is not relevant to the proposal now before me, which I have determined on its own planning merits against the provisions of the current development plan.

### **Planning Balance**

16. The proposed development would result in conflict with the development plan as it would be contrary to the settlement strategy for the District through its location in the countryside beyond any defined settlement. However, the harm in this respect would be tempered by the fact that the proposed dwelling would effectively form an infill development in an established group of dwellings and would not have a harmful effect on the surrounding landscape or the intrinsic character and beauty of the countryside. Moreover, there would only be a modest increase in use of the private car given the scale of the proposal.
17. Set against this harm, the proposal would be consistent with several key aims of the Framework and Policies S9 and HC1 of the Local Plan by adding to the district's rural housing stock, by making effective re-use of brownfield land and, through its location close to other dwellings, making limited but positive social

and economic contributions that would help maintain the vitality of rural communities. I consider that these are significant material considerations weighing in favour of the proposal which justify a decision other than in accordance with the development plan in this case.

### **Conditions**

18. I have had regard to the list of suggested conditions provided by the Council. Where necessary, I have amended their wording to ensure they meet the relevant test for conditions set out in the Framework.
19. Conditions relating to the submission and timing of reserved matters applications, and the commencement of development, are necessary in the interests of certainty.
20. Conditions requiring details of external facing materials and site boundary treatments are necessary to ensure a satisfactory appearance.
21. It is also necessary to impose a condition requiring details of measures to protect existing trees and hedgerows during construction works, in the interest of the visual amenity and biodiversity of the area.
22. Finally, the Council seeks by condition a restriction on permitted development (PD) rights for extensions, outbuildings and means of enclosure within the curtilage of the dwelling. The Planning Practice Guidance states that conditions restricting the future use of PD rights may not pass the test of reasonableness or necessity and should be precisely defined. No reasoning is provided by the Council for restricting these particular rights. Given details of means of enclosure are already to be secured by condition, I do not find it necessary to further restrict PD rights in this respect. Moreover, having regard to the size of the site and the form of surrounding development, I am not persuaded that there would be a demonstrable risk to the character and appearance of the surrounding area from extensions or outbuilding works under PD in this case. Therefore, I have not imposed the suggested condition.

### **Conclusion**

23. For the reasons set out above, the appeal should be allowed.

*K Savage*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Samples of all facing and roofing materials shall be submitted to and approved in writing by the local planning authority before works commence on the facing walls or roof of the building(s). The development shall thereafter be constructed in accordance with the approved details.
- 5) The dwelling hereby permitted shall not be occupied until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the life of the development.
- 6) No development, including preparatory works, shall commence until a scheme for the protection of trees and hedgerows has been submitted to and approved in writing by the local planning authority. Such a scheme shall be based on best practice as set out in British Standard 5837:2012 (or equivalent document which may update or supersede that standard) and shall ensure that no vehicles can access, and no storage materials or equipment can take place within, the root and canopy protection areas of any trees on or adjacent the site. The approved scheme of protection shall be implemented prior to any works commencing on site and thereafter retained throughout the construction period.

### **End of Schedule**