



Appeal Decision

Site Visit made on 11 August 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/P1045/W/21/3273688

St. Elphins Cottage, Blind Lane, Hackney, Matlock DE4 2QE

- 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 K White against the decision of Derbyshire Dales District Council.
 - The application Ref 21/00030/FUL, dated 7 January 2021, was refused by notice dated 19 March 2021.
 - The development proposed is change of use of agricultural building to holiday cottage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council's first reason for refusal asserts that the existing building is unlawful as it is in breach of a condition, and therefore the proposal should be considered as the erection of a new building. It is not for this appeal to determine the legality of the existing building. In any case, this issue is not determinative as policy S4 of the Derbyshire Dales Local Plan (the 'Local Plan') referred to in this reason for refusal refers to conversions as well as new buildings with regard to their effect on the character of the area.
3. The Council's reasons for refusal refer to Local Plan policies SF4 and SF5. The Council have confirmed these are topographical errors and are not current policies.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and the effect on highway safety

Reasons

Character and appearance

5. The development is sited on the west side of Blind Lane and sits above pastoral land which falls away to the west. Hackney is small settlement on the hillside and contains a limited number of dwellings. There is no uniformity in their general form and design.
6. The building on the site is of a basic form and design with a simple pitched roof and gable ends. It has unfinished render on the east and north sides, which are the two sides mainly visible from Blind Lane. Furthermore, aside from a small rooflight on the roof slope facing the road, which is not shown on the existing

or proposed plans, there are no windows on these two elevations. The lack of windows and the unfinished appearance of the most prominent elevations combine to result in the existing building having a rather functional appearance, fitting for an agricultural use.

7. Part n) of policy S4 relates to the re-use of buildings and requires conversions to involve buildings that positively contribute to an established local character. Policy HC8 of the Local Plan also refers to the conversion of buildings for residential accommodation and states that permission for such conversions will only be granted where, among other criteria, the general design of the existing building makes a positive contribution to the character and appearance of its surroundings. Due to its functional design and unfinished appearance, the existing building does not make a positive contribution to the local character. The development would therefore conflict with these policies.
8. Its basic appearance would be sustained when in use as holiday accommodation, albeit the render would be finished. Although its simple design is appropriate for an agricultural building, its lack of detailing would not represent good design for a residential building. There would be little about the proposal which would portray a residential use when seen from Blind Lane, with even the access and hardstanding not inconsistent with an agricultural holding. There are no significant openings on the roadside elevation of the adjacent dwelling, but it is clearly residential when seen from Blind Lane due to its south side elevation and the facing detached domestic garage. Furthermore, the other dwellings in the area all have more active and detailed frontages than the proposal. As a result, the development would appear incongruous in its surroundings. Therefore, even if considered as a new build property, it would conflict with policy S4 which seeks to ensure all development preserves the character of the landscape.
9. My opinion is not inconsistent with the Inspector of the previous appeals for this building. The previous planning appeal¹ related to the erection of the building as an agricultural building and the Inspector concluded it respected the character and appearance of the area. I agree that, as an agricultural building, it would not harm the character and appearance of the area. However, as a residential building, it is necessary to consider it in different terms. Though its general form, scale and materials would not be harmful to the prevailing character and appearance of the area, the lack of openings would mean it would not represent good residential design when seen from Blind Lane and so in this respect it would detract from the character and appearance of the area.
10. Consequently, in addition to failing to accord with policies HC8 and S4 as stated above, the proposal would also fail to comply with Local Plan policies S1 and PD1 which both seek to ensure high quality design.
11. The proposal would also fail to accord with policy NP17 of the Darley Dale Neighbourhood Plan because that policy states that development should be high quality, positively contribute to the character of the setting, and should front the street. I see no reason why that policy should only apply to new-build development. I understand that a building at Grove Farm, a short distance to the north, was recently converted to a dwelling and yet does not front the road. However, its front is clearly visible in the street scene and therefore, it makes a greater contribution to the rural surroundings.

¹ Ref APP/P1045/W/18/3198590

Highway safety

12. Access to the property would be taken from a point adjacent to the building where a section of the front boundary wall, which otherwise runs along the edge of the highway, has already been removed.
13. This section of Blind Lane is narrow and primarily only serves the appeal site and the adjacent house. Although a through road, it is unlikely to be well trafficked and I would anticipate that its narrow width means the speed of traffic along it would be lower than the 30mph limit as advised by the Council.
14. Visibility from the proposed access to the right is generally good as it is possible to see over the retained low front boundary wall. Visibility to the left is restricted by the boundary wall which is taller than that section to the right of the access. However, the narrowness of the road combined with the very low number of vehicles likely to be using it and the likely limited number of movements from the access, leads me to consider that the sub-standard visibility to the left would not unacceptably prejudice highway safety.
15. I note the objection from a third party that an increase in traffic would be prejudicial to the safety of pedestrian using the road. However as the proposal is for just one unit, any increase in traffic would be minimal and unlikely to render Blind Lane dangerous for pedestrians.
16. As a result the proposal would, in this respect, accord with policy S4 which requires development to have safe access, and policy PD1 which seeks to achieve development which provide safe private spaces.

Other Matters

17. The appellant states that the growth of tourism is a key issue, which the proposal would support. The Council also consider the development to be an employment generating use. I give moderate weight to this matter.
18. The appellant advises that the building would be left vacant were it not converted to residential use. Nonetheless, although I understand the agricultural building is no longer needed by the appellant, I have no evidence to demonstrate that it is not needed by the tenant of the adjacent fields which the building was originally intended to serve.

Conclusion

19. Although the proposal would not be harmful to highway safety and would support tourism and the local economy, it would not accord with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan.
20. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR