



Appeal Decision

Site visit made on 20 September 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2022

Appeal Ref: APP/R1038/W/22/3294132

Hillcrest, Hockley Lane, Milltown, Ashover S45 0ES

- 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 Louis Gay against the decision of North East Derbyshire District Council.
 - The application Ref 21/00297/FL, dated 8 March 2021, was refused by notice dated 27 October 2021.
 - The development proposed is described as 'proposed new dwelling on land adjacent Hillcrest including form new boundary between existing and new dwelling. The proposals include improvements to existing site access and provide new site access and driveway to new dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since determining the planning application, the Council has adopted the North East Derbyshire Local Plan 2014-2034¹ (LP) replacing the North East Derbyshire Local Plan 2005. I have therefore not had regard to saved Policies GS1, GS6, NE1 and NE2 in my decision, as they no longer form part of the development plan.

Main Issues

3. The main issues are:
 - Whether the appeal site is suitable for the development proposed, having regard to accessibility to job opportunities, facilities and services; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Suitable location

4. LP Policy SS1 sets several criteria to ensure that development contributes to sustainable development. One such criterion is that development proposals meet development needs within defined settlements or other allocated areas having regard to the defined settlement hierarchy. In addition, it requires that development proposals locate development where there is access to a broad

¹ Adopted November 2021

range of jobs, services and facilities which are accessible by foot, cycle, or public transport with reduced reliance on the private car.

5. The appeal site is not within an allocated area. It lies close to the edge of Fallgate which is identified, in the hierarchy as defined in the LP, as a level 4 settlement which are very small villages and hamlets with very limited sustainability. Access to Ashover, a defined level 3 settlement with limited sustainability, would require journeys along an unlit, winding, rural road without a continuous footway. This would be a deterrent to pedestrians, in particular during times of darkness and inclement weather. The narrowness, and the bends of the road are likely to be off-putting for many less confident cyclists also. In addition, whilst there are bus stops close to the site the Council advises that the local bus service is very limited with no service on Sundays and no buses to Chesterfield, the primary local centre, until 9.45am. Consequently, the private motor vehicle would be the predominant means of transport for residents of the appeal site for most journeys. For this reason, I do not consider that the proposal represents accessible development in the countryside.
6. The site is not isolated in the context of paragraph 80 of the National Planning Policy Framework (the Framework) as there are other houses near to it. However, the site is physically separate from any settlement containing facilities and services required to meet the needs of the occupants. Furthermore, given the accessibility concerns set out above, I consider that the benefits of the proposal, due to the support that it would give to services in a village nearby, would be minimal and as such it would not enhance or maintain the vitality of rural communities.
7. As such, I find that the site is not suitable for the development proposed having had regard accessibility to job opportunities, facilities and services and reliance on private motor vehicles, contrary to LP Policy SS1 and to the Framework.

Character and appearance

8. The appeal site lies within the 'Wooded Slopes and Valleys' landscape character type, of the Derbyshire Peak Fringe and Lower Derwent Character Area, as identified in the Derbyshire County Council Landscape Character Assessment 2013. The key characteristics of that character type include an undulating landscape, with moderate to steep slopes, and densely scattered woodland and hedgerow trees. It is a valued landscape that is designated in the LP as being within a Primary Area of Multiple Environmental Sensitivity.
9. The appeal site comprises a two-storey detached dwelling and its environs which include a garage, outbuilding and greenhouses. The sloping nature of the appeal site and the numerous evergreen and deciduous trees within and adjoining it are reflective of the identified landscape characteristics of the Character Area and contribute, positively, to the rural area.
10. The extent that the proposed development would be seen from outside of the site will vary with the seasons. During winter months the proposal would be prominent in localised views from Dalebank Lane, Hunt Lane, as well as Hockley Lane particularly when heading towards Ashover. In the summer months, when the canopy of trees within and around the site would be denser,

views of the development would be filtered. Nevertheless, it would still be glimpsed from the wider countryside.

11. Furthermore, due to the sloping nature of the site and as Hockley Lane carriageway is at a considerably higher level than the appeal site, significant engineering works are necessary to form the proposed new access. The ramped access, and its substantial retaining walls, as proposed, would be a prominent and incongruous feature even though it would be located between the trees that line the existing access and a striking sessile oak tree on adjoining land.
12. The proposed dwelling would be constructed in materials that are appropriate to the area and it would be seen alongside the existing dwelling, at a lower level. Nonetheless, it would result in a discernible change to the appearance of the site. The proposed level changes and retaining works associated with the construction of the dwelling and its access, would alter the sloping nature of the site. Such works combine to unacceptably harm the site's appearance and that of the wider countryside, diminishing the intrinsic rural character of the landscape. The proposal would have a greater impact on the countryside than the existing situation.
13. I note that the site is considered to be previously developed land. However, because I find that the development would have a greater impact on the character of the countryside than the existing development, it would not comply with criterion F of LP Policy SS9.
14. In conclusion, the proposal would unacceptably harm the character and appearance of the area and would therefore conflict with LP Policies SS1, SS9 and SDC3, and Policies AP2, AP13 and AP19 of the Ashover Parish Neighbourhood Plan 2016-2033. Such policies seek to ensure that development is not intrusive in the countryside and maintains or enhances the intrinsic rural character or local distinctiveness.

Other Matters

15. The proposal would utilise renewable energy sources and sustainable measures. However, these would not outweigh the harm I have identified. The lack of harm with regard to residential amenity, highway safety and trees are neutral factors that do not weigh for or against the proposal.

Conclusion

16. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
17. I hereby dismiss this appeal.

Elaine Moulton

INSPECTOR