



Appeal Decision

Site visit made on 25 October 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/M1005/W/22/3297353

Barn, Cliffash Lane Idridgehay, Belper, Derbyshire DE56 2SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Andrew Reid against Amber Valley Borough Council.
 - The application Ref AVA/2021/1265, is dated 30th November 2021.
 - The development proposed as described on the application form is 'We have permission to dig out land for a single storey underground Eco house. Ref: AVA/2020/0365. I would like to go deeper with the excavation to create a two storey, 4/5 bedroom dwelling. This visual impact upon the neighbours and surrounding area would remain the same as when planning was originally granted.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is against the failure of the Council to determine the planning application in the prescribed period. The Council advised that, if it were now in a position to make a decision, it would refuse the application due to concerns relating to the setting of designated heritage assets.
3. The appellants asserts that the neighbouring house, a converted barn, is not listed. The official listing makes specific reference to Cliffash Farmhouse, which I accept, lies within the enclosed courtyard and does not directly overlook the appeal site. However, the listing also refers to outbuildings which, from my reading, includes the neighbouring property. In particular it refers to features that are consistent with those that appear on the converted barn. Consequently, I do not accept, for the purposes of determining this appeal that the neighbouring building is not listed.

Main Issues

4. The main issues in this case are:
 - whether the proposal would preserve the setting of Cliffash Farmhouse, a Grade II listed building; and
 - the effect of the proposal on the setting of Idridgehay Conservation Area of the proposal on designated heritage assets, including consideration of the character and appearance of the area within which they sit.

Reasons

Listed building

5. Cliffash Farmhouse and the attached outbuildings were first listed in 1967. The buildings probably originate from the 17th century, with the outbuildings added or extended later, most likely in the 18th century. They are arranged in an 'L' shape enclosing a small courtyard. The buildings are two-storey in height with gritstone walls and plain tiled roofs. Notwithstanding the conversion of the outbuildings to residential use, the form and external appearance still reflects the agricultural character of the barns. Whilst the listed buildings are no longer in agricultural use they are set within a predominantly rural area and the ability to experience the complex in a rural setting adds to their significance as historic agrarian buildings.
6. The listed buildings are located a short distance to the south of the appeal site. A garden, which incorporates a parking area, and an access track to a nearby stable occupy the intervening space. A number of small low key domestic outbuildings and structures are located within this space. These structures broadly have a recessive appearance. Properties across the road, lie a short distance back from the highway, behind landscaped front gardens. As a result, Cliffash Farmhouse and the attached outbuildings are the dominant buildings, which is commensurate with their historic status.
7. The group of buildings, of which the listed buildings form part, fall within a designated special landscape area. They are visible across the valley within open countryside which consists of a patchwork quilt of fields enclosed by hedgerows, and woods. Given their design, scale and materials, the buildings complement the character and appearance of the rural area in which they are located.
8. Taking all of these matters together, the significance/special interest of the listed buildings, insofar as they relate to this appeal, includes their evidential, aesthetic and historic value, which is experienced in a rural setting and as part of the wider agricultural landscape.
9. The appeal site is occupied by a 'barn', constructed of metal sheeting and blockwork used as an independent storage unit. It would be replaced by a two storey dwelling of contemporary design, using 'semi-coursed natural local stone' in its elevations, a flat green roof, set into the slope of the land. Its eastern elevation would include large areas of glass. Consequently, it would contrast significantly with the listed buildings, and other nearby properties, which have a traditional appearance, including small windows and pitched roofs. The contrast would be jarring and harmful and the proposal would compete with the listed building and harmfully alter how it appears in the landscape.
10. The engineering works, and changes to the topography of the land required to accommodate the proposed building, would represent a significant change to the character and appearance of the appeal site. These changes would be further emphasised by the domestication of the land around the proposed dwelling which would draw attention to the proposal. As a result, the proposed development would be readily apparent from the surrounding countryside, including nearby public footpaths and would appear as a discordant feature in the rural landscape that would be harmful to its character and appearance.

There would also be more distant views from Wirksworth Road and across the valley.

11. Planning permission¹ has been granted for the erection of a single storey dwelling with similar siting and characteristics to that now proposed. However, the volume of material that would need to be excavated, and the associated engineering works required, for a two storey dwelling, would be significantly more than required for the approved scheme. The proposed dwelling would also be significantly larger. As a result, the proposed development would appear more intrusive within the landscape than the permitted scheme. There would also be a corresponding increased impact on the setting of the listed buildings.
12. In the absence of a full topographical survey showing existing and proposed levels, and detailed landscape proposals, there is uncertainty as to extent of the works, and consequently the impact of the development would be. This uncertainty is further increased in the light of the appellants assertion that surplus material would be redistributed within the site. Consequently, I find that the appellant's have not demonstrated that the harm can be mitigated.
13. The 'barn' that sits on the appeal site, would have once been used for agricultural purposes and had a functional relationship with Cliffash Farmhouse, however, that relationship no longer exists. Furthermore, and notwithstanding how the building may have looked in the past, it no longer conveys the appearance of an agricultural building. In the event that the site was not redeveloped the appellant has indicated that the current use would continue, and it is unlikely that the building would be removed.
14. The removal of the 'barn' would open up views to Cliffash Farmhouse, and its attached outbuildings, when approaching from the north. It would also expose views across the valley when driving in a southerly direction along Cliffash Lane. Consequently, the proposal has the potential to better reveal the historic context of the listed farm group and improve the landscape. However, the barn would be removed if the single storey scheme were to be implemented, therefore, removing the barn as part of the appeal scheme would not provide much of a benefit.
15. In conclusion I find that the benefit of removing the existing 'barn' weighs in favour of the proposal, however it does not outweigh the significant harm that would result from the change in the topography of the site, including any associated engineering works, the domestication of the site and the jarring impact of the proposal as outlined in paragraph 9 above. It would therefore fail to preserve the setting and significance of the listed building contrary to the expectations of s66(1) of the Act. This harmful impact would also be contrary to Policy EN24 of the adopted Amber Valley Local Plan 2006 which only permits proposals that contribute to the preservation of listed buildings and their setting. This policy is consistent with paragraph 197 of the National Planning Policy Framework (the Framework).

Conservation area

16. Idridgehay is a small, primarily residential, community situated on the main Duffield to Wirksworth road in the valley of the River Ecclesbourne. In the past Idridgehay was a working village earning its living from the land. Today most

¹ Council reference AVA/2020/0365

of the small farms are gone and farm houses have been converted into country residences. Idridgehay Conservation Area (CA) is centred on the properties fronting Wirksworth Road with an appendage that encompasses the group of properties that lie to the south of the appeal site. The rural location of the group of buildings that form this part of the CA adds to its significance and provides a green and verdant setting for the properties.

17. When viewed from Cliffash Lane, the proposed dwelling would be discretely sited behind a low dry stone wall. It would replace an existing building and as a result would not significantly increase the volume of development beyond what currently exists. That said, the curtilage of the proposed dwelling would extend into the open countryside and would result in the land currently occupied by overgrown vegetation being used for domestic purposes. It would also result in significant changes to the topography of the site. Consequently, the character and appearance of the area would be harmed and thus not be preserved.
18. I have taken into account the appellants desire to minimise paraphernalia through landscaping and boundary treatment. However, there is only limited information regarding how the landform would change, or detailed landscape proposals, to support this assertion. Consequently, on the basis of the evidence before me, I find that the proposal would neither preserve or enhance the character or appearance of the CA.
19. Overall, I conclude that there would be moderate harm to the significance of the CA. Accordingly, the proposal would fail to preserve or enhance the character or appearance of the CA contrary to the expectations of the Act. The proposal would also be contrary to Policy EN27 of the Adopted Amber Valley Borough Local Plan 2006 and Policy H1 of the Adopted Idridgehay, Alton and Ashleyhay Neighbourhood Plan which, amongst other matters, require developments of to preserve and enhance the setting of the CA. These policies are consistent with paragraph 197 of the National Planning Policy Framework

Heritage planning balance

20. The harm that is caused to these designated heritage assets is less than substantial paragraph 202 of the Framework. This harm should be weighed against the public benefits of the proposal.
21. I acknowledge that the proposal would provide some employment during construction. I also note that future occupiers would contribute to the local economy. The removal of the barn would also be benefit to the setting of the listed building. However, given the scale of the proposed development such benefits would be limited and do not amount to public benefits which outweigh the great weight, as set out in the Framework, that I am required to give to the harm that would be caused to the significance of the designated heritage assets.

Other Matters

22. The development would provide an opportunity to provide a family home with beautiful views, however I have no evidence before me to indicate that the appeal site provides the only opportunity to meet this aspiration.
23. The proposal would provide an opportunity for future occupiers to grow vegetables and possibly rear animals. That said, this desire could be achieved

in other locations, or through the construction of the previously approved single storey dwelling.

Conclusion

24. Drawing my conclusions together, the harm and conflicts that I have identified are such that the proposed development would be in conflict with the development plan when taken as a whole. Material considerations including the Framework, do not indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

John Gunn

INSPECTOR