



Appeal Decision

Site visit made on 13 December 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/M1005/W/22/3304495

Valley Farm House, Old Hillcliff Lane, Turnditch, Belper DE56 2EA

- 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 Nick Thompson against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2021/1101, dated 5 October 2021, was refused by notice dated 21 April 2022.
 - The development proposed is the demolition and removal of Riding School Arena, hardstanding, floodlighting and looseboxes and erection of one detached dwelling and garage/store with parking, curtilage and landscaping at Hillcliff Stud, Old Hillcliff Lane.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, including landscape character.

Reasons

3. The appeal site lies in the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area, within a Wooded Farmland Landscape Type. The key characteristics of this landscape type include undulating, intermediate landform, with gentle slopes, small to medium irregular fields enclosed by mixed species hedgerows, curving lanes with irregular verges, and scattered sandstone farmsteads and occasional hamlets. The appeal site is in an area which reflects these characteristics, particularly given the surrounding undulating agricultural fields and scattering of farmsteads within the open countryside.
4. The site is located to the east of Old Hillcliff Lane and comprises a large portal-framed indoor riding arena with attached barn, hardstanding car parking area, and a floodlit menage. These are sat at a lower level than the nearest residential dwelling Valley Farm House, on land that falls away from Old Hillcliff Lane towards the River Ecclesbourne. The site is surrounded on three sides by open fields, with primarily residential properties flanking Old Hillcliff Lane to the west.
5. The appeal proposal would see the demolition and removal of the existing building, hardstanding area, and floodlit menage and the subsequent erection of a single storey dwelling of contemporary design with detached garage and store building.

6. The existing pattern of development along Old Hillcliff Lane is one of predominately residential dwellings set back a short distance from the lane itself. Whilst there is variety in the age, size, type, design, and orientation of these dwellings, and although building lines are fairly inconsistent, the overall pattern of dwellings being located closely to the lane is retained and contributes significantly to the local character. In particular, the dwellings along the eastern side of Old Hillcliff Lane are generally located tight against the lane and do not extend into the surrounding agricultural land.
7. The proposed new dwelling would be contained within the footprint of the existing building and would therefore be located beyond the existing residential built form and a significant distance back from Old Hillcliff Lane. When viewed from the south, including from the nearby Public Right of Way (PROW) and other vantage points on Old Hillcliff Lane, the proposed dwelling would appear detached and separated from the lane. As such it would appear at odds with the prevailing pattern of development.
8. By virtue of its separation from the nearby residential properties, which is further exacerbated by the change in ground levels, the existing building shares a greater visual relationship with the surrounding open countryside. Despite its equestrian use, the building retains the appearance and design of an agricultural building which is both appropriate for its countryside context and in keeping with the landscape character of the area. Whilst I acknowledge that the buildings appearance is somewhat tired, its current condition does not cause any significant visual harm or detract from the character and appearance of the area.
9. The proposed development however would represent a distinct change in character from the existing built form on site. Although the north 'rear' elevation of the proposed dwelling which backs onto open pasture would retain a relatively simple external appearance of burnt finish vertical arch slats with limited window openings, the southern and eastern elevations would incorporate large expansive glazed walls and openings as part of an overall contemporary design. As a result, the proposed dwelling would appear as an incongruous feature within the landscape.
10. The proposal would result in an overall net reduction of built volume on the site of around 27%. This would largely be achieved through the proposed dwelling incorporating an intricate roof plan and a reduced width to form a south facing courtyard. However due to its significant length, which would reflect that of the existing building, the proposed dwelling would still be of significant scale and footprint. In addition, the proposed two storey detached garage and store building would introduce built form of a domestic nature into an area where there is currently none. Accordingly, the proposed development would appear out of keeping with its surroundings.
11. Particularly when viewed from the PROW to the south, clear and open views of the site are possible. Whilst a landscaping and planting scheme would increase tree and shrub cover to the southern boundary, given the significant length of the proposed dwelling and the steep topography of the surrounding land, I do not consider that this would sufficiently screen the proposed development or soften its relationship in the surrounding landscape. The removal of the menage and floodlights along with the reduction in the amount of hardstanding on the site would represent benefits of the appeal scheme, however these

benefits would be extremely modest and would not outweigh the harm I have identified would be caused to the character and appearance of the area.

12. The appellant has also referred to a potential fallback position offered by the existing lawful use of the site as a riding school and livery stables, with a further extant planning permission also in place for dog training classes. It is the appellant's view that should these activities be reinstated then the level of vehicle movements generated would far exceed those that would be by a single dwelling, and that the operation of the riding school would result in localised noise generation and light pollution from the floodlights during winter evenings.
13. The fallback position would see the existing building, menage, and other structures on the site utilised. As detailed above, I have found that the proposed development would appear out of keeping with its surroundings resulting in harm being caused to the character and appearance of the area. The existing building however is a plainer and more utilitarian design that more sympathetically reflects its rural surroundings. Furthermore, there is no compelling evidence before me that indicates that these uses previously resulted in any significant concerns or harm being caused in relation to traffic congestion, noise generation, or light pollution. Thus, I find that it would not be as harmful as the appeal proposal and therefore does not alter my findings in this case.
14. I therefore conclude that the proposed development would cause harm to the character and appearance of the area, including landscape harm. The development would conflict with Policies LS1, LS3, HS12, and EN7 of the Amber Valley Borough Local Plan (adopted 2006) (LP) which require, amongst other matters, that developments are well related to existing patterns of development, in scale and character with their surroundings, and appropriate to the landscape character type within which it is proposed. These requirements are generally consistent with the paragraphs 130 c) and 174 b) of the National Planning Policy Framework (the Framework) which seeks to ensure that developments are sympathetic to local character and protect landscape setting and the intrinsic character and beauty of the countryside.

Planning Balance and Conclusion

15. The Council consider that following the withdrawal of the Submission Local Plan in May 2019, there is currently no up to date development plan. There is also no dispute between the parties that Policies EN1 and H5 of the LP, which seek to restrict development in the countryside and outside of settlement frameworks, are inconsistent with the Framework and out of date. However, the saved policies which are most important for determining the application, including policies LS1, LS3, HS12 and EN7, are consistent with the Framework and are not out of date for the purposes of the decision.
16. In addition, the Framework also requires local planning authorities to identify a minimum of five years' worth of housing against their local housing need. In this regard the Council states that as of 1 April 2021 the housing land supply position showed a supply of 7.31 years, which is not disputed by the appellant.
17. The proposal would provide economic and social benefits through the construction phase and the additional contributions of the occupiers to the local community. The provision of one new dwelling would also make a small contribution to the supply of housing and provide a new family home. Given

the scale of the proposed development contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight.

18. I have found however that the proposed development would cause harm to the character and appearance of the area, including landscape character. I ascribe substantial weight to these harms since they would be long lasting. Even if I were satisfied that the 'tilted balance' approach under paragraph 11 of the Framework should be applied, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.
19. There are no other material considerations which lead me to determine the appeal other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

David Jones

INSPECTOR