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# Appeal Decision

Site visit made on 7 February 2023

**by J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

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

**Decision date: 29 March 2023**

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**Appeal Ref: APP/M9496/W/22/3306102**

**Land Adjacent to Bentley Brook, B5056 and South of Swallow Cottage at The Priory, Fenny Bentley, Ashbourne DE6 1LF**

- 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 and Mrs James against the decision of the Peak District National Park Authority.
  - The application Ref NP/DDD/1121/1263, dated 23 November 2021, was refused by notice dated 26 April 2022.
  - The development proposed is repair, renovation and extension of previous mill complex building into a detached dwelling.
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## Decision

1. The appeal is allowed and planning permission is granted for repair, renovation and extension of previous mill complex building into a detached dwelling at Land Adjacent to Bentley Brook, B5056 and South of Swallow Cottage at The Priory, Fenny Bentley, Ashbourne DE6 1LF in accordance with the terms of the application, Ref NP/DDD/1121/1263, dated 23 November 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: -
    - *Drawing Nos: - 19/654/E01; 19/654/E02; 19/654/E03 A; 19/654/P01; 19/654/P02; 19/654/P03; 19/654/P04; 19/654/P05; 19/654/P06; and 19/654/P07.*
  - 3) Prior to the commencement of development, including preparatory works, a scheme shall be submitted to and approved in writing by the National Park Authority for the provision of space within the site for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles and parking and manoeuvring of any other vehicles. The scheme shall be implemented in accordance with the approved details and retained free from any impediment to their designated use throughout the construction period.
  - 4) Prior to installation, full details of the precise design and materials of the doors and windows including any glazing bar detail and external finish/treatment shall be submitted to and approved in writing by the National Park Authority. The approved scheme shall be carried out in accordance with the approved details and retained thereafter.

- 5) The recommendations in the Bat Activity Survey Report for The Old Engine House, Fenny Bentley, Derbyshire, dated 16 June 2021 shall be carried out in accordance with the details set out in the report.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations shall be carried out under Schedule 2, Part 1 Classes A, B, C, D, E or H without the National Park Authority's prior written consent.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure under Schedule 2, Part 2, Class A shall be erected without the National Park Authority's written consent.

### **Preliminary Matters**

2. For clarity I have taken the address of the appeal site in part from the application form and in part from the appeal form.

### **Main Issues**

3. The main issues are (1) the effect of the proposal on the character and appearance of the existing building and its significance as a non-designated heritage asset; and (2) whether the proposal addresses sustainability and climate change mitigation.

### **Reasons**

#### *Character and Appearance / Historical Significance*

4. The appeal site includes a brick building with breezeblock and metal clad additions to both ends and land around it. Bentley Brook runs close to the appeal site to the south-east and south. The appeal site includes areas of hardstanding and rough land as well as the building and its additions which stands alone alongside a track shared with the Priory and Swallows Cottage off the B5056.
5. The brick building is part of the former late 18<sup>th</sup> Century Woodeaves Cotton Mill and represents the only surviving building from the mill. Whilst in an altered and dilapidated condition and abutted by modern structures of negative value, the building is considered to have regional heritage significance on account of its architectural, archaeological and historic interest. This contributes to its significance as a non-designated heritage asset.
6. The proposal would retain the brick building but remove the breezeblock and metal clad additions. The brick building would be repaired and reinstated which, amongst other things would include new fenestration and doors. A new extension would be added to its eastern end but would contrast with the brickwork by being constructed with an exposed steel framework and metal cladding. A tall brick wall would provide a bookend to the steel frame on the northern elevation alongside the track and reflect the brickwork of the existing building. The design of the extension draws on the site's history as a steam

- engine powered mill and aims to create a narrative between the past use of the building and the wider site and its proposed use as a dwelling.
7. Whilst the proposal would add a substantial extension to the proposed refurbished brick building, it would be so different in its appearance, scale and materials that it would not dominate or overwhelm it but instead would complement it with an innovative design. There is little doubt that it would make a statement but I consider that this would be a positive one that would draw attention to the building's historical context. Moreover, the existing building is in a very poor state of repair and the proposal would see its regeneration into another use and allow its former heritage attributes to be highlighted.
  8. In reaching this view I have taken into account the information submitted illustrating how the building related to the mill complex and the proximity of larger and more dominant structures than the former engine house. The proposal as a whole would provide an historical identity to the site that is currently lacking due to previous demolitions and the apparent redundant and neglected appearance of the building as it now stands.
  9. I conclude that the proposal would not have a harmful effect on the character and appearance of the existing building and its significance as a non-designated heritage asset. It would comply with the aims of Policy L3 of the Core Strategy<sup>1</sup> which, amongst other things, requires development to conserve and where appropriate enhance or reveal the significance of an historical asset and its setting. By focusing on the industrial heritage of the former mill, the proposal would be consistent with Development Management<sup>2</sup> Policy DMC10 which is specifically concerned with the conversion of heritage assets and, amongst other things, requires conversions to a new use to take place without adversely affecting its character. For the same reason it would be consistent with the objectives of Policy DMC5. Furthermore, its contribution to the area's sense of place due to its cultural heritage would be consistent with the objectives of Development Management Policy DMC3.
  10. Moreover, I find that the proposal would be consistent with the objectives and principles for the National Park as set out in Core Strategy Policies GSP1, GSP2 and GSP3 with regard to enhancing and conserving the natural beauty of the National Park and benefitting the cultural heritage of the area.
  11. The decision notice refers to the Authority's SPD on Alterations and Extensions<sup>3</sup> but this relates to extensions to existing residential properties whilst the proposed extension would be part of the conversion works. It states that extensions should not dominate an original building but should be subservient to it but given that the proposed extension would be an integral part of the refurbishment and conversion of the building, I do not therefore find the advice in the SPD as particularly relevant to my assessment of this proposal.

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<sup>1</sup> Peak District National Park Authority – Peak District National Park Local Development Framework Core Strategy Development Plan Document – Adopted October 2011.

<sup>2</sup> Peak District National Park – Development Management Policies Part 2 of the Local Plan for the Peak District National Park, Adopted May 2019.

<sup>3</sup> Peak District National Park – Detailed Design Guide Supplementary Planning Document alterations & extensions (SPD).

### *Sustainability and Climate Change*

12. Core Strategy Policy CC1 indicates the Authority's aim to reduce carbon emissions and sets out criteria to achieve this. The Authority indicates that as the proposal does not include any mitigation measures, it would be unacceptable. However, the appellant has submitted information with this appeal which could be incorporated within the scheme.
13. Whilst the information submitted is fairly general, I consider it to be acceptable when taken in the context of the proposed refurbishment and reinstatement of this former industrial building. Therefore, the works proposed to create a new residential use would not conflict with the sustainable objectives of the National Planning Policy Framework.

### **Conditions**

14. The Council has suggested conditions which I have considered in the light of the Planning Practice Guidance<sup>4</sup>. A condition requiring the development to be carried out in accordance with the submitted plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring the details of the doors and windows is reasonable and necessary as the submitted plans are not specific. However, I see no particular reason to impose any restriction regarding pipework as suggested given the overall design concept of the proposal, I do not therefore consider that this is necessary.
15. A condition requiring space to be provided within the site for the storage of plant and materials, site accommodation, loading, unloading, manoeuvring and parking is necessary in order to ensure that space is provided in a defined area in the interests of the visual amenity of the National Park. The submitted details include a bat survey and given the findings of the report, the recommendations contained within it should be carried out in the interests of biodiversity.
16. Conditions withdrawing permitted development rights are suggested which I agree with in terms of extensions or alterations due to the specific design concept of the proposal and significance of this to this non-designated heritage asset. Also, a condition restricting ancillary buildings is also necessary as the potential proliferation of outbuildings could have an adverse effect on the character and appearance of the National Park. I also consider it necessary to restrict development for any boundary treatment as no details have been included with the application.
17. A number of conditions have been suggested with regard to highway matters including modification of the access to the B5056. The suggested condition refers to the application drawings and visibility sightlines but the drawings submitted with this appeal do not include any access details. I am also mindful that the access is outside the application site and although some of the land alongside the track from the B5056 is identified as being in the appellants ownership, neither the track itself nor the land on the other side of it is under the appellants' control. This condition therefore is unreasonable in that it may not be capable of being implemented. In any event, given that this is an

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<sup>4</sup> Planning Practice Guidance – Published 6 March 2014 – Updated 23 July 2023.

existing access, I do not consider that the development is of a scale to risk highway safety.

18. Likewise, a condition requiring a bin/collection storage area to be provided clear of the public highway is vague as the public highway, the B5056 is outside the appeal site and so it would not be reasonable to impose a condition on other land not included in the appeal site. On the other hand, if the condition is intended to make provision within the appeal site, there is sufficient space to allow this without a condition in which case such a condition would be unnecessary.
19. The suggested condition regarding entrance gates is vague in that it refers to the highway but is imprecise. The implication is that it refers to the track from the B5056, given that this is a unnamed access that serves a limited number of properties, I see no particular reason to impose such a condition. Any vehicles blocking this track would be a matter for its owners and authorised users and is sufficiently distant from the main carriageway, the B5056 as to not cause harm to highway safety. Likewise, a condition requiring the driveway to be surfaced with tarmac or a similar hard bound material (not loose aggregate) is unnecessary for similar reasons. A condition requiring parking and manoeuvring space is not necessary as the appeal site is of sufficient size to accommodate the likely requirements for one dwelling. Such a condition would therefore be unnecessary.
20. The appellant suggested a condition in relation to the requirements of policy CC1 referred to above, but I am not convinced that such a condition would be sufficiently precise. The Authority has not suggested a condition in this regard and so I do not intend to impose one. Of the conditions that I have imposed, I have amended some of the suggested wording in the interests of clarity.

### **Conclusion**

21. For the reasons given above, and having regard to the development plan and all other considerations, I conclude that the appeal should be allowed.

*J D Clark*

INSPECTOR