



Appeal Decision

Site visit made on 25 April 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2023

Appeal Ref: APP/M1005/W/23/3314034

Land west of Broadholme Lane, Belper, Derbyshire DE56 2JF

- 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 Shahzad Asghar against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2021/0758, dated 29 June 2021, was refused by notice dated 16 September 2022.
 - The development proposed is change of use of garage building to dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the landscape character of the area, with specific regard to the Special Landscape Area designation which the site is located in.

Reasons

3. The appeal site is currently occupied by a garage and is outside the built-up area of Belper. The site is part of a larger triangular area of land between Broadholme Lane and Matlock Road that is sub-divided, and once related to the nearby properties, with uses including allotments. The appeal site is therefore surrounded by a number of other parcels of land which contain structures of various types, none of which identify as dwellings. There are a number of new dwellings under construction in the immediate locality.
4. The appeal proposal seeks the conversion of the existing garage to a small, single-storey dwelling. Access would be taken from the existing access onto Broadholme Lane, and two parking spaces would be located within the site.
5. A previous refusal, and subsequent appeal, would have seen the existing garage subsumed into a larger dwelling, whereas this proposal would see the conversion of the garage to a small dwelling, with some elevational changes to facilitate residential use.
6. In terms of the policy position, little has changed since the previous appeal. There has been no change in local planning policy. The National Planning Policy Framework (the Framework) may now be in another iteration since that original appeal, but Paragraph 219 still sets out the principle that existing policies should not be considered out of date simply because they were

adopted prior to the publication of the Framework and due weight should be given to them according to their degree of consistency with the Framework.

7. As in the previous appeal, the presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. The degree of consistency of the relevant Local Plan policies that I have identified with the Framework means that I can attach significant weight to those policies.
8. The current site contains a garage and is not out of the ordinary in terms of its setting within the locality. The use of the structure as a residential dwelling, despite utilising what is effectively the same footprint, would give a different form of reference to the appeal site. Despite the comments of the appellant with regard to the differences between the previous appeal and this proposal, ultimately it would still be a new residential property with all the residential accoutrements that come with it, albeit smaller than the previous proposal.
9. As per the previous appeal, the loss of part of the site to a residential dwelling would result in a loss of part of this area, which is located within an allocated Special Landscape Area, and would be seen as a singular residential property in the immediate locality of the parcel of land, which would look incongruous, causing harm to that designated area.
10. As such I find the proposal contrary to Saved Policies LS1 and EN6 of the Amber Valley Local Plan (2006) which, amongst other matters, expect development be well related to existing patterns of development, protect and enhance the quality of the built and natural environment and new development, including conversions of existing buildings, will only be permitted in Special Landscape Areas, if it does not have an adverse effect on the landscape quality or character.
11. I also find conflict with policy NPP3 of the Belper Neighbourhood Plan which requires development to demonstrate that it does not represent a harmful visual impact into the landscape setting.

Conclusion

12. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Paul Cooper

INSPECTOR