
Appeal Decision

Site visit made on 28 October 2023

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14.11.2023

Appeal Ref: APP/M1005/D/23/3328081

11 High Road, South Wingfield, Alferton, Derbyshire DE55 7LX

- 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 G White against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2022/1086 dated 8 December 2022, was refused by notice dated 9 June 2023.
 - The development proposed is installation of new access and drive and demolition of an outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the appeal proposal on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the South Wingfield Conservation Area (the Conservation Area).

Reasons

3. The appeal site is part of the Lane Farm farmstead. Its buildings fronting High Road are at the north-western limit of the Conservation Area. The 'Character Statement for the South Wingfield Conservation Area' identifies the appeal site as falling within the Inns Lane/High Road character area, although there is no specific reference to the appeal site.
4. The character of the Conservation Area can be described as including a strong sense of enclosure. This results from the historic use of stone walling close to the highway which is interrupted by openings of various widths. There is no dispute that this sense of enclosure is the most important characteristic of the Conservation Area around the appeal site. Within High Road are a number of both historic and modern properties with open areas to their fronts or sides that are within and outside the Conservation Area.
5. It is proposed to construct a dedicated vehicular access for 11 High Road (No 11) which is the matter under consideration in this appeal. The appeal scheme also includes a new wall and fencing to separate the yard and the outbuildings to the rear of the site. These elements of the appeal proposal are uncontentious.

6. There is a shared access to Lane Farm, a converted barn occupied by the appellant, and No 11 which is the vacant farmhouse. The scheme includes the removal of part of the front boundary wall running along the High Road and the demolition of the 3m end section of a lean-to structure in order to form the new access. The flank wall of the lean-to is next to the pedestrian access to No 11 and stands at the end of a range of single storey outbuildings. The lean-to is a shallow, stone structure with a corrugated asbestos sheeting roof. The remainder of the range comprises random coursed natural stone with red clay pantiles. The existing stones and quoin detailing at the corners would be re-used to build the replacement flank wall of the lean-to.
7. It is necessary to consider whether the scale and detailing of the proposed opening for the access would preserve the identified character and appearance of the Conservation Area. The existing pedestrian opening is approximately 1m wide whereas the proposed access would be 3.75m wide, with an additional 1.5m pedestrian visibility splay on either side. Its total width would therefore be some 6.75m, far in excess of the existing opening. A gap of such size in the stone wall frontage in this location would appear incongruous and would be out of character with its surroundings. Even with the splays comprising natural stone and the walling retained at a lower level, there would be no sense of continuity along the road frontage. The proposal would thus fail to preserve the character or appearance of the Conservation Area.
8. The wall of the outbuilding that would be demolished appears to be in good, albeit unmaintained, condition. There is no structural survey to demonstrate that it is unsound, as the appellant contends. The appellant's evidence that the concrete slabs against the base of the wall are required to provide stability following the removal of a bus stop, or that the boundary wall foundations were undermined is unpersuasive.
9. I conclude that the proposed works would harm the street scene and would fail to preserve the character and appearance of the Conservation Area. The positive contributions of the lean-to building and adjoining wall to the enclosure, or special interest, of the Conservation Area would be unacceptably diminished.
10. For the foregoing reasons the proposal conflicts with saved Policies EN27 and LS3 of the Adopted Amber Valley Borough Local Plan 2006 and Policies NPP5 and NPP6 of the South Wingfield Neighbourhood Plan which, in summary and of relevance to this appeal, require high quality development which respects the character of the locality and preserves the character or appearance of conservation areas. Furthermore, the proposal does not satisfy the requirements of the National Planning Policy Framework (the Framework) to preserve or enhance heritage assets.
11. For the reasons already set out, I further conclude that the proposal would result in less than substantial harm to the significance of the Conservation Area, a designated heritage asset. In accordance with the Framework, where such harm is identified, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
12. Further justification for the appeal proposal includes the need for a separate access to No 11 so that its future occupiers are not required to cross the appellant's property, thereby improving his privacy and security. I have carefully considered the appellant's personal circumstances. However, it

appears to me that there are other means by which security and privacy needs can be met, whilst also preserving the character and appearance of the Conservation Area.

13. The appellant wishes to secure the optimum viable use of No 11 and to improve its letting or sale potential by providing a dedicated, private access. It is not disputed that the optimum viable use of No 11 is as a dwelling and I agree. However, whilst the building is clearly in need of renovation, its future occupation does not depend upon the creation of a separate access. The existing shared access and courtyard arrangement is not unusual in the context of historic farmsteads. Indeed, although the specific circumstances of the appeal proposal are unique, there are examples of developments with such shared spaces in the locality. A separate access might well be desirable and more financially rewarding. These would however be private, rather than public benefits of the proposal.
14. In terms of other public benefits put forward by the appellant, I am not convinced that removing the concrete slabs on the road frontage and their replacement with planting as part of the proposed works amounts to a public benefit. Furthermore, whilst the provision of an access here would remove some on-street parking, the suggestion that this would improve views of the boundary walling is, in my view, somewhat overstated and could not reasonably be considered a public benefit.
15. I conclude overall that the less than substantial harm to the Conservation Area, a designated heritage asset, is not outweighed by any public benefits. Accordingly, for the reasons set out above, the appeal is dismissed.

Elaine Benson

INSPECTOR