



Appeal Decision

Site visit made on 24 October 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2024

Appeal Ref: APP/M1005/W/23/3318394

The Smithy, Belper Road, Alderwasley, Belper DE56 2RD

- 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 Ms C Taylor of Taylor Furniture Ltd against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2021/0900, dated 6 August 2021, was refused by notice dated 21 September 2022.
 - The development proposed is the demolition of existing workshop and erection of new workshop.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing workshop and erection of new workshop at The Smithy, Belper Road, Alderwasley, Belper DE56 2RD in accordance with the terms of the application, Ref AVA/2021/0900, dated 6 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: 001A, 110A, 111, 113A and 114.
 - 2) No external materials or finishes shall be used until samples of the materials and finishes have first been submitted to, and approved in writing by, the Local Planning Authority. The relevant works shall be carried out in accordance with the approved sampled details.
 - 3) The development hereby permitted shall not be first used until a scheme of landscaping has been submitted to and approved by the Local Planning Authority. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have determined the appeal in the context of the revised Framework.

3. At the time of my visit the erection of the metal framework associated with the proposed workshop has already been carried out. The appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.
4. The appellant has referred to, and provided details of, the previous workshop that sat on the appeal site. However, this has been demolished and so is no longer present on site. Consequently, the presence of a former building has not been material in my considerations of the appeal which I have assessed against the site as it is currently.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the surrounding area including the rural landscape and the setting of the Alderwasley Conservation Area (the ACA).

Reasons

6. The appeal site sits within a rural area characterised primarily by agricultural fields interspersed with wooded areas. Amongst this is sporadic, and predominantly residential and agricultural, development. On the opposite side of Belper Road is the ACA. I understand that there is no appraisal for the conservation area but, from my observations on site and the information before me, I understand this area focuses upon Alderwasley Hall and its associated park and woodland. I find the significance of the ACA to stem, at least in part, from the extent to which the historic relationship between the hall and its lands is still legible and the overall rural character of this area.
7. The site itself forms part of a plot that contains a detached stone dwelling, set back from the road by a yard formed by a workshop and extension, and its associated gardens. To the rear of the dwelling is a further building which appeared to be used for storage purposes associated with the workshop. The external materials of the existing workshop do not reflect, and are not sympathetic to, the materials on the host dwelling. The plot, with the exception of the yard, is surrounded by a drystone wall. The development includes the removal of the existing workshop and the associated store building and their replacement with a new workshop further from the dwelling. As noted above the framework for this building has already been erected.
8. The new workshop is somewhat prominent due to its location close to the road and the openness of views across the adjoining fields. However, the host dwelling and the area of woodland to the other side of Belper Road both screen, and provide a backdrop to, the development in some views and this softens the appearance of the new workshop. Moreover, although the finished workshop would not be used for agricultural purposes, this would not be readily legible within public views and the building is seen within a context where metal barns are prominently sited. Given the screening noted above, I find the workshop, once finished, would be a more retiring feature than the existing nearby barns.

9. Although only very limited details have been provided as to the external materials to be used on the new workshop, I find that further details could be secured through a condition. Subject to the use of appropriate materials for the walls and roofing, the new workshop is in keeping with the rural and built environment within which it sits.
10. The new workshop is set further from the dwelling, allowing clearer views of the property and better revealing its architectural interest. Although this would open the yard and spread out the buildings on site, this would not be to a significant or unacceptable degree. In particular, the legibility of the yard would be retained, and the plot's boundary wall visually contains the development from the open countryside beyond. I also find that as the height of the workshop is shorter than the house it presents a subservient feature. Likewise, although the footprint of the new workshop is larger than that it replaces, given my findings above, this is not unacceptable.
11. I recognise that the treeline to the opposite side of Belper Lane also forms the edge of the ACA and that the development is therefore visible in views of, and from, the conservation area. However, given my above findings its siting here would not be harmful to the ACA. In particular, the ACA is, as noted above, characterised by its rural nature and as such the barn-like appearance of the workshop would not be an incongruous feature.
12. The appeal site is also adjacent to the buffer zone for the Derwent Valley Mills World Heritage Site (the WHS). I have been mindful of this designated during my considerations and I note the Council did not find any harm to occur to the WHS.
13. The siting and appearance of the workshop does not unacceptably harm the character and appearance of its surroundings, including the setting of the ACA. It therefore complies with saved Policies EN7, EN27, LS2, ER6 and ER11 of the Amber Valley Borough Local Plan (the LP) which collectively, and amongst other matters, require developments to be of a scale, form and appearance that reflect the principle of good design and respects the character of its locality and the built environment. This includes preserving or enhancing conservation areas and their setting.

Conditions

14. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
15. As the development has already commenced, it would not be necessary to impose a condition setting out the timescale for the commencement of works. However, a condition is necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
16. Moreover, in the interests of protecting the character and appearance of the surrounding area conditions are necessary requiring further details to be submitted for external materials and landscaping. As the works have already started it would not be possible for these conditions to be pre-commencement.

Conclusion

17. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR