



Appeal Decision

Site visit made on 4 January 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2024

Appeal Ref: APP/P1045/W/23/3326936

Land to the North East of Brailsford Water Mill, Mill Lane, Brailsford, Derbyshire, Easting: 424435 Northing: 342126

- 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 Mrs Victoria Stokes against the decision of Derbyshire Dales District Council.
 - The application Ref 23/00472/FUL, dated 4 May 2023, was refused by notice dated 6 July 2023.
 - The development proposed is installation of 3 camping pods, a parking area and erection of a replacement stable block.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous iteration. Consequently, this update does not fundamentally alter the main parties' cases, and it is not necessary to seek further comments. References hereafter in the decision to the Framework are to the December 2023 version.

Main Issues

3. The main issues are:
 - whether the proposal represents a suitable location for tourist accommodation, having regard to relevant local and national policy and the accessibility of the site to local services and facilities;
 - the effect of the proposal on the character and appearance of the area;
 - the effect on the setting of designated heritage assets;
 - the effect of the proposal on the living conditions of neighbouring occupants.

Reasons

Location for Development

4. The appeal site comprises an agricultural field containing a stable block located off Mill Lane, a rural road with a number of detached residential dwellings set in spacious grounds. Most notable of these is the Grade II listed Brailsford Mill, now a private residence, which lies to the south-west and is within the same

- ownership as the appeal site. The mill pond and mill race, formerly part of the mill's infrastructure, are adjacent to the western side of the appeal site.
5. The site lies within the open countryside for planning purposes. Policy S4 of the Adopted Derbyshire Dales Local Plan 2017 (the DDLP) relates to development in the countryside and supports the sustainable growth of tourism or other rural based enterprises in sustainable locations where identified needs are not met by existing facilities. Policy EC1 supports new business development in sustainable locations that contribute toward the creation and retention of jobs and employment opportunities. Policy EC8 supports new tourist provision and initiatives in the countryside through the reuse of existing buildings or as part of farm diversification, particularly where these would also benefit local communities and support the local economy.
 6. Policy EC9 specifically addresses proposals for holiday chalet, caravan and campsite developments. It sets a number of criteria relating to landscape character; natural screening; appropriate scale of on-site facilities; the amenity, tranquillity and enjoyment of adjacent areas; and that the site is in a sustainable location within, or in close proximity to, an existing settlement with good connections to the main highway network and the public rights of way network and/or cycleways, and is either served by public transport or within a safe attractive ten minute walk of regular public transport services.
 7. The site is around 1.2km from the edge of Brailsford, which has a limited number of services which may be used by visitors, including a shop/post office, gift shop, coffee shop, public house, beauty salon and medical centre. A golf course is located just beyond the village to the east. There are also fishing lakes to the opposite side of the A52 and a public house a short distance beyond in the village of Ednaston.
 8. Each of these facilities would be technically reachable on foot or bicycle by visitors to the proposed facility, although the centre of Brailsford is closer to 1.5km and the public house is around 1.9km, which would take at least 20-25 mins on foot. However, the route to Brailsford is along a narrow footway to the side of the busy A52 and includes a long incline that would add to walking times. Such conditions and distances are not conducive to regular trips, particularly for those less physically able, families with small children or those seeking to return with provisions. Similar issues would exist in relation to the public rights of way across fields in the area.
 9. The fishing lakes and Yew Tree public house in Ednaston would be closer at around 500m and 1km respectively, equating to walking times of around 7 and 14 mins, the appellant's suggestion of 8 minutes to the pub being something of an underestimate. However, although the route to these facilities would be flatter, it would still require crossing the A52 and walking along unlit roads with no footpaths, which is similarly likely to discourage many visitors from choosing to walk or cycle, particularly during hours of darkness or inclement weather, and many will choose to use the private car instead.
 10. There is a bus service between Uttoxter, Ashbourne and Derby available on the A52 within a 10 minute walk along the lightly trafficked Mill Lane. The service is roughly hourly between 6.30am and 6.30pm, with later services to as late as midnight Monday to Saturday and a daytime service on Sundays and bank holidays. Considering the rural location, this represents a good level of service and would enable visitors to avail of facilities in Derby into the evening. The

potential availability of a community bus is a further option, albeit not one likely to offer as regular or as extensive a service as the scheduled bus.

11. The appellant refers to a development approved by the Council at Hognaston as comparable in terms of its location relative to local facilities and services. In that case, the proposal was located within some 200m or a 4 minute walk of the centre of the village, along lightly trafficked lanes. The appellant also refers to other proposals granted permission by the Council at Bradbourne and Marston Montgomery, but I have no details of these permissions and thus I am unable to ascertain whether they present comparable circumstances to the appeal before me.
12. I acknowledge that for tourism facilities such as that proposed, their attraction lies in factors such as a quiet environment, proximity to nature and countryside views. I am not persuaded that the site's location would encourage regular walking or cycling by visitors to local facilities due to the distances and conditions involved. However, the proposal is located with good access to the main highway network along the A52 and to the public rights of way network. The site is also located within a safe, attractive, ten minute walk of regular public transport services. In these respects, the proposal would satisfy the requirements of Policy EC9(d) and, in general terms, the proposal would offer sufficient options for sustainable modes of transport that visitors would not be wholly reliant on the private car to travel. This would accord with the Framework's recognition that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that sites for rural development may have to be found adjacent to or beyond existing settlements.
13. I therefore conclude that the proposal would accord with the criteria of Policy EC9(d) and the approach of the Framework to accessibility in rural areas.

Character and Appearance

14. The appeal site is accessed from a short lane off Mill Lane that also serves as the entrances to Brailsford Mill and adjacent dwellings to the south-west. There is tree cover between Mill Lane and the appeal site which filters views of the existing field. A further tree line extends along the western boundary of the site adjacent to the route of the mill race. The topography of the site rises away from the mill race. A stable building stands next to the field entrance and close to the boundary with the neighbouring dwelling, Elldan Grove. A public footpath, No 17, runs through the site and would be diverted slightly as a result of the proposed development.
15. The site lies within the Needlewood and South Derbyshire Claylands Landscape Character Area, partly within the Settled Farmlands landscape character type and partly within the Riverside Meadows landscape character type. The surroundings of the appeal site exhibit a number of the key characteristics of this landscape, including gently undulating rolling lowlands dissected by minor stream valleys, seasonal waterlogged soils, dairy farming on permanent pasture with localised arable cropping, small woodland blocks, dense lines of trees along streams, small to medium size semi-regular and strip fields enclosed by hedgerows, winding lanes and small clusters of red brick and Staffordshire blue clay tile farms and cottages.
16. The existing residential development along Mill Lane is rural in character and concentrated along the road in a typical, linear pattern. Beyond this limited

depth of development along Mill Lane, the surroundings become open countryside. This natural character is clearly experienced upon entering the appeal site along the route of the public footpath, as one crosses an open field with views of the expansive land to the north-west emerging in glimpses through the trees on approach to the crossing over the mill race. Consequently, although adjacent to dwellings on Mill Lane, I consider the appeal site to relate principally to the broader countryside beyond.

17. The proposed pods would be located to the northern end of the field, resembling small barns with rounded roofs and timber facades. A hard surfaced area for car parking and turning would occupy the southern part of the site, between the access point and the mill pond. The existing stable block to the eastern side of the site would be rebuilt to a slightly larger size. The Council does not oppose this element of the proposal, and I have no reasons to disagree, given the limited difference in size and that it would be a functional rural building commonly seen in countryside settings.
18. The design intent of the pods is stated to be to assimilate into rural environments. However, their installation would require engineering works to cut into the sloping ground to provide a level base, which would visibly detract from the sloping topography of the site. Moreover, alongside the activity from occupants, the pods are likely to be attended by visitor paraphernalia when in use, such as outdoor seating, bicycles and equipment, which would make them stand out as tourist accommodation rather than unassuming rural buildings.
19. In the context described above, the pods would represent isolated and anomalous features placed conspicuously in an open field. They would intrude directly into the view from the public footpath and would undermine appreciation of the emerging open countryside. The parking area would also add an uncharacteristic, urbanising element that would further detract from the natural character of the site. The fact that the public footpath would have to divert around the car park would add to its intrusive impact, and the presence of the footpath would negate the possibility of landscaping screening the site from public viewpoints, as required by Policy EC9(b).
20. The pods would also be visible in longer distance views across the landscape from the higher ground to the south-east along the path of public footpath No 16. Although they would be seen in the same vista as the dwellings on Mill Lane in the foreground and other limited built form in the distance, they would detract from the natural character of the landscape due to their detached position unconnected with other development.
21. For these reasons, I find that the proposed development would cause significant harm to the landscape character of the area, contrary to Policies PD1 and PD5 of the DDLP which require high quality design that respects the character, identity and context of the Derbyshire Dales landscapes. There would also be conflict with the requirements of Policies EC1, EC8, EC9(a) and (b) and S4 that new business development does not harm the character, appearance or environment of the site or its surroundings.

Effect on Designated Heritage Assets

22. Brailsford Mill is Grade II listed, dating from the late 17th century, along with the adjacent mill pond and mill race. Its heritage significance derives from it being a surviving example of a mill from this period, with the mill pond

and mill race being notable features still evident. This surviving mill infrastructure has demonstrable historic and architectural interest evoking the long history of farming and milling in the area.

23. The setting of the mill is a primarily natural one, being enclosed by trees which screen long distance views. Whilst there has been subsequent residential development along Mill Lane, other dwellings are well filtered by the tree cover and do not encroach upon the view from the mill over the pond. Moreover, the wider, undeveloped land to the north and west of the mill is clearly visible from the top of the pond and along the mill race. This forms an important aspect of the mill's setting by still reflecting the rural character of the area when the mill was constructed. The appeal site forms part of this rural aspect to the north from the mill and an immediate part of the setting of the mill pond and race.
24. The proposed pods would occupy positions next to the mill race. As already set out, they would introduce uncharacteristic features that would erode the open, natural character that exemplifies the setting of the heritage asset, in particular by intruding into views from the mill across the pond, and at close range from the public footpath running alongside and crossing the mill race. The proposed tourism development would become the focal point of the site, diminishing the presence of the mill race and undermining appreciation of the wider complex of the mill and its surviving hydrological infrastructure.
25. The appellant refers to an appeal decision¹ in support of his position. However, I have no details of this case beyond the decision letter itself, although I note reference to 'extensive development' carried out in the surroundings of the listed building, which indicates a material difference from the proposal before me. This aside, the assessment of impact on the setting of a listed building necessarily involves planning judgement on the site-specific facts in each case. Consequently, this other decision is not decisive to my reasoning and I have considered the appeal scheme on its own planning merits.
26. For the above reasons, I find that the proposed development would cause harm to the heritage significance of the listed mill and its related infrastructure, through development in its setting. This would conflict with Policy PD2 of the DDLP, which seeks to conserve heritage assets in a manner appropriate to their significance. Having regard to the Framework, the harm in this case would be less than substantial, but nevertheless of considerable importance and weight. It is necessary therefore to weigh this harm against potential public benefits of the proposal.
27. The appellant points to the proposal helping to secure the ongoing and future maintenance of the mill race, sluice and pond, with a management plan for works proposed by condition. However, whilst I accept that some level of maintenance will be required to these features, the evidence before me does not establish that they are at risk or that the works required to maintain them are particularly onerous or expensive. Neither does the evidence set out any financial projections that would demonstrate whether the tourism use would actually generate sufficient income to fund any such works. As such, I place limited weight on this as a potential benefit of the scheme.
28. The use of the site as tourist accommodation would generate some economic benefit for the appellant through bookings and more generally from visitors

¹ Appeal Ref: APP/P1045/W/23/3318079

spending money in the local area. However, given the small scale of the proposal, and the nature of the accommodation, any such benefits are likely to be minor in scale and subject to seasonal fluctuations, such that they attract limited weight in favour of the scheme.

29. The appellant further posits that the development would enable greater access to the site to enhance appreciation of the heritage asset, something that would be facilitated by the erection of a heritage interpretation board. However, the site is already readily accessible via the public footpath, and I have found above that the proposed development would harm the vistas experienced by walkers upon entering the site. An interpretation board would have a modest benefit in providing historical context for those visiting or passing through, but this would not mitigate for the visual harm caused by the pods and car park.
30. The proposal would mitigate the loss of some 635 sqm of improved grassland habitat and deliver a small overall net gain in biodiversity through enhancements to the retained grassland areas of the site and existing hedgerows. This would be a positive aspect of the overall proposal, but given the modest degree of enhancement, it is a matter attracting limited weight in favour of the proposal.
31. Overall, I find that the public benefits advanced in this case would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight. Accordingly, the Framework indicates that this provides a clear reason for refusing the development proposed, and this is an important material consideration in the overall planning balance.

Effect on Living Conditions

32. The Council's concern relates to potential adverse impacts from noise and light pollution created by the proposed tourism use. Whilst noting that no objection was raised to the proposal by the Council's Environmental Health department, similar concerns are echoed by representations from several local residents.
33. The nearest habitable accommodation within the neighbouring dwelling, Elldan Grove, would be located more than 50 metres from the pods. I saw on site that the main garden seating areas would be a similar distance, with the rear windows of the main dwelling slightly further away. A collection of outbuildings alongside the shared boundary would visibly screen the neighbours' garden seating area from the pods, although views over the site are possible from other points along the boundary. The appellant proposes to plant a hedgerow along the boundary which would address the potential for visitors to overlook the neighbouring property.
34. The surroundings experienced by residents along Mill Lane are tranquil, with few sources of potential noise beyond those expected of a rural environment, such as farm machinery, which would be sporadic, or equestrian use of the stables, which would not generate consistent or intrusive noise.
35. In contrast, the use of the site as tourist accommodation would generate a level of noise from the normal activities of visitors, such as when sitting out of an evening to dine, converse and socialise or when children are playing in the open spaces of the site. In summer, when use of the site would peak, the potential would exist for noise to extend well into the evening as visitors enjoy

the long days and warmer temperatures outside. Given the existing tranquillity of the area, activity would not need to be significant in scale to be noticeable by and disruptive to neighbouring residents, particularly where it persists over an extended period or the three pods are occupied by a single, larger group.

36. Moreover, the site, with parking for 6 vehicles, would generate noticeable additional comings and goings by car as visitors arrive and depart, but also as they come and go at various times of the day during their stay. This includes the potential for early morning or late evening trips which would generate noise at unsociable hours and that would adversely affect neighbouring residents.
37. The appellant seeks to address concerns by proposing a site management plan. However, the wording of the plan is vague and open to interpretation, such as requiring noise to be 'reduced' after 8:30pm and 'kept to a minimum outdoors' after 9:30pm and before 8:00am. Such restrictions would be difficult to monitor and enforce, even though the appellant resides close by.
38. However, a tourism use should not have to be so restricted that it undermines visitor enjoyment of the facility. Outdoor gathering, music, barbeques and children playing freely are activities that visitors expect to be able to enjoy on holiday, particularly in rural surroundings, and the fact that such activities are proposed to be restricted is an indicator that even typical use of the site by visitors would present potential noise and disturbance issues for neighbouring residents. The management plan as proposed would unduly restrict use of the facility, setting a low threshold for what is permitted and creating a risk of innocuous activity by visitors drawing complaint from neighbours and requiring regular intervention by management. It would also be ineffective in addressing daytime activity or noise from the movement of vehicles.
39. For these reasons, I conclude that the proposal would introduce activity that would generate noise and disturbance that would harm the living conditions of neighbouring residents. Suggested conditions would not be sufficient to mitigate this harm. Therefore, the proposal would be contrary to Policy EC9(e) of the DDLP which requires that new holiday development does not adversely affect the amenity of any area, and with the similar protections for living conditions set out under DDLP Policies S1 and PD1, and at Paragraph 135 of the Framework.

Other Matters

40. The Council did not oppose the development in terms of its effect on highway safety, trees, wildlife, flooding and drainage. On the evidence before me, I have no compelling reasons to conclude differently, but an absence of harm means these are neutral matters weighing neither for nor against the proposal in the overall planning balance.
41. I have noted other matters raised by interested parties, but I have not identified further material benefits or harms which should be factored into the planning balance. Therefore, it is not necessary to address these in further detail as they would not alter the outcome of the appeal

Conclusion

42. On the main issues, I have found that the proposal would accord with the accessibility requirements of the development plan for new tourism accommodation. I also recognise the general support for new rural tourism

businesses set out under Policies EC1 and EC8. However, due to the harm identified to landscape character, the significance of designated heritage assets and neighbours' living conditions, the proposal would be in overall conflict with Policy EC9, with the approach to development in the countryside under Policy S4 and the overall approach to sustainable development set out under Policy S1. Therefore, the proposal would not represent a suitable location for tourism development and would conflict with the development plan, taken as a whole. I afford significant weight to this conflict.

43. I have had regard to the public benefits weighing in favour of the proposal in conducting the heritage balance of the Framework above, the result of which is that, as a material consideration, the Framework directs that permission should be refused. Given the additional harm identified to landscape character and neighbours' living conditions, it follows that these benefits would also not be sufficient to outweigh the overall development plan conflict.
44. Consequently, there are no material considerations which would justify a decision being made other than in accordance with the development plan, taken as a whole. Therefore, for the reasons set out, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR