



Appeal Decision

Site visit carried out on 20 January 2025

by Mrs J A Vyse DipTP MRTPI DipPBM

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Appeal Ref: APP/P1045/W/24/3349538

Dene Croft, Main Street, Hopton, Derbyshire DE4 4DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Taylor against the decision of Derbyshire Dales District Council.
 - The application No is 23/01262/FUL.
 - The development proposed is change of use and conversion of summerhouse to a dwellinghouse.
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Decision

1. For the reasons that follow, the appeal is dismissed.

Main Issue

2. The main issue in this case, is the effect of the development proposed on the character and appearance of the surrounding area.

Reasons for the Decision

3. The appeal building is located on rising land to the rear of Dene Croft, a large stone dwelling on the northern side of Main Street, in the centre of Hopton. It was erected following a grant of permission in 2014 for a storage shed/summerhouse.¹ Condition 2 on the Decision restricted its use to purposes incidental to the domestic enjoyment of the occupants of Dene Croft, and not for any trade or business. It is now proposed to use the building as a separate dwellinghouse. No internal or external alterations are proposed, other than the creation of an associated residential curtilage.
4. The appeal site is surrounded by agricultural land to the north, east and west, with Hopton not being identified as a settlement by policy S2 of the Adopted Derbyshire Dales Local Plan (December 2017). Thus, for the purposes of planning policy, it lies in the open countryside. Among other things, bullet 7 of policy S4(i) of the Local Plan is permissive of the conversion of existing buildings in accordance with policy HC8. This policy is supportive of the conversion and re-use for residential accommodation of buildings that make a positive contribution to the character and appearance of their surroundings. However, the supporting text to the policy recognises that not all buildings in the countryside are appropriate for conversion to residential use. Policy S4(n) states that proposals to re-use any building that is capable and worthy of conversion, should involve a building that contributes positively to an established local character and sense of place.

¹ 14/00052/FUL

5. The summerhouse is a modest, square structure that was constructed as an ancillary building to the main dwelling. It is clad in a wood-effect type of plastic, with plastic type decking to the front. It is a relatively small, incidental building, in a chalet style. It is of no particular architectural or historic interest and does not make a positive contribution to the established local character and sense of place.
6. As noted in the officer's report, Hopton is generally characterised by linear, stone properties adjacent to, or facing the road. The development proposed would result in a plastic clad chalet/lodge type dwelling to the rear of an existing dwelling, contrary to the prevailing character of development in the settlement. All told, I consider that use of the building as a dwellinghouse would comprise an incongruous form of development in this countryside location, resulting in harm to the established character and appearance of the area, contrary to the provisions of policies S4 and HC8 of the development plan.
7. I understand that the Council is unable to demonstrate a five year supply of housing land. In such circumstances, bullet 8 of policy S4 is permissive of development on non-allocated sites on the edge of first, second and third tier settlements. My attention is drawn, in this regard, to a recent permission for the erection of a new dwelling on land to the east of the appeal site and Dene Croft.²
8. In that case, acknowledging the absence of a five year supply of housing land, the Council held that the proximity of the site to Carsington, a fourth tier settlement,³ made the location sufficiently accessible as to be considered sustainable for the purposes of the Framework, concluding that the principle of development was acceptable, with no harm identified in relation to the design of the proposed dwelling (a traditional stone dwelling of 2.5 storeys that reflected the character of surrounding properties) or its siting, which was considered acceptable in all other regards. In contrast, and notwithstanding the Council's views on the accessibility of the location, the appeal scheme would result in a dwelling of incongruous design and materials, set behind an existing dwelling, in contrast to the prevailing character of development in the settlement, distinguishing it from the permission for the new dwelling.
9. Whilst each application and appeal must be treated on its individual merits, I also share the concerns of the planning authority and the Parish Council that approval of this proposal could be used to support similar schemes elsewhere in the Derbyshire Dales. This is not a generalised fear of precedent, but a realistic and specific concern, given the potential number of sheds/ summerhouses in the grounds of rural properties in the District, which are of no particular architectural or historic merit. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, the cumulative effect of which would contribute to an overall erosion of the positive characteristics of the Derbyshire countryside. Indeed, the potential for such harm is specifically recognised in the supporting text to policy S4.⁴

² 24/00415/FUL

³ Policy S2 identifies fourth tier settlements as accessible settlements with minimal facilities. They are defined as settlements with a very limited range of employment, services and facilities, where any development should be commensurate with the scale and function of the settlement, can be accommodated through infill and consolidation of the existing built framework of the settlement, or is well related to the existing pattern of development and surrounding land uses; would not lead to prominent intrusion into the countryside; or constitutes exception sites affordable housing.

⁴ Paragraph 4.29 states that '*Development needs to be viewed, therefore, in its context and in some cases the cumulative impact of successive smaller developments may affect the character of the countryside.*'

10. In support of the appeal, a number of permissions for the conversion of outbuildings to residential were drawn to my attention.

South of Rhodeside, Hall Drive, Doveridge⁵

11. This related to a permission for change of use and conversion of a stable building to form a dwellinghouse at a time when there was no five year housing land supply. In that case, whilst the stable building did not make a positive contribution to the character and appearance of its surroundings, in conflict with policy HC8, it is nevertheless described as being substantial, reflecting its rural surroundings. Moreover, it was located on the edge of a third tier settlement, as allowed for by policy S4. The circumstances are not directly comparable, therefore, to the instant appeal.

Hillside Cottage, Hillside Lane, Brassington⁶

12. Permission was granted for the conversion and extension of a garage and store to dwellinghouse and change of use of separate land to domestic garden. I understand that planning permission had previously been granted for conversion and extension of the building to create a residential annexe.⁷ The walls of the building in that case were of vernacular stone and it had a plain clay tiled roof. No conflict with policy HC8 was identified. That is different from the instant appeal, where I have identified a conflict with the policy.

The Gallery, Coffin Lane, Kirk Ireton⁸

13. Permission was granted for the conversion and extension of a former garage, that had been converted to a workshop. Built in 1974, this appears to have been a building of stone construction with a clay tiled roof, occupying a prominent position in the middle of Kirk Ireton, in the Conservation Area. Again, no conflict with policy HC8 was identified, which distinguishes it from the instant appeal.
14. I therefore find nothing in those decisions that makes them directly comparable with the development before me, which I have considered on its own particular planning merits in the light of its particular physical context.

Other Matters

15. Although not a concern of the planning authority, the Parish Council raises concerns in relation to the effect of the development proposed on the Grade II listed Hopton Manor, which sits side on to the southern side of Main Street, opposite the entrance to the appeal site. The appeal site also lies close to, but outwith, the Carsington and Hopton Conservation Area, the boundary to which runs along the northern side of Main Street at this point.
16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be paid to the desirability of preserving, among other things, the setting of listed buildings. Whilst there is no equivalent statutory provision in relation to the setting of Conservation Areas, paragraph 208 of the National Planning Policy Framework (the Framework) requires an assessment of

⁵ 22/00598/FUL

⁶ 24/00116/FUL

⁷ 21/00502/FUL

⁸ 23/01210/FUL

the particular significance of *any* heritage asset that may be affected by a proposal, including by development affecting its setting.

17. The appeal site is separated from Hopton Manor, a large, 17th Century gritstone farmhouse with later re-fashioning, and the Conservation Area, by Dene Croft, a substantial, detached dwelling that is set on rising land on the northern side of Main Street. The heritage significance of the listed building derives mainly from its age, its manner of construction and architectural detailing, its role as a farmhouse and its value as part of a group. There is nothing to indicate, apart from any former agricultural use, that the appeal site had any formal relationship with the listed building, the experience and views of which from Main Street would not change as a consequence of the development proposed. I am satisfied, in this regard, that the appeal site contributes little, if anything, to any understanding or appreciation of its significance. As such, the special interest of the listed building and its setting, would be preserved.
18. Moreover, from what I saw during my visit, the appeal site makes no contribution to the heritage significance of the Conservation Area which derives, it seems to me, from its history as an estate village and its architecture, including numerous historic buildings. I find no harm in this regard either.
19. The development proposed would contribute a small home to the local housing supply. In addition, there are likely to be some social and economic benefits through the contribution of future occupiers to the local community and neighbouring settlements. However, given the scale of the development proposed, those benefits would be limited.

Conclusion

20. As with all planning decisions, the starting point is the development plan. In this case, the policies that are most important for determining the appeal are S4 and HC8 of the Local Plan. I have found conflict with those policies, which brings the scheme into conflict with the development plan. However, given the absence of a five year supply of housing land, those policies are to be considered as out of date, pursuant to paragraph 11(d) of the National Planning Policy Framework. Such circumstances engage the so-called tilted balance, whereby permission should be granted unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
21. Whilst I have found no harm in terms of adverse impacts on the significance of any heritage assets, I have found that the summerhouse is of no particular architectural or historic interest and that it does not make a positive contribution to the established local character and sense of place. The development proposed would result in a plastic clad chalet/lodge type dwelling in the countryside, to the rear of an existing dwelling, contrary to the prevailing character of development in the settlement. It would comprise an incongruous form of development in this countryside location, resulting in harm to the established character and appearance of the area. That harm would significantly and demonstrably outweigh the limited benefits that I have identified when assessed against the policies of the Framework taken as a whole. I am mindful in particular, of paragraph 135 of the Framework,

which seeks to ensure that development functions well, adding to the overall quality of an area, that it is visually attractive as a result of good architecture, and is sympathetic to local character, creating attractive and distinctive places in which to live.

22. In light of the forgoing, the proposal does not benefit from the presumption in favour of sustainable development. I therefore conclude, on balance, that the appeal should not succeed.

Jennifer A Vyse
INSPECTOR