



Appeal Decision

Site visit made on 4 March 2025

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2025

Appeal Ref: APP/P1045/W/24/3354572

Ivy House Farm, Main Road, Wyaston, Derbyshire, DE6 2DR

- 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 Unicus Homes Ltd against the decision of Derbyshire Dales District Council.
 - The application Ref is 23/01206/FUL.
 - The development proposed is the demolition of existing dwelling and outbuildings, and construction of four new detached dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing dwelling and outbuildings, and construction of four new detached dwellings at Ivy House Farm, Wyaston, DE6 2DR in accordance with the terms of the application, Ref 23/01206/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on the character of the area, and whether or not the proposal would contribute to the achievement of a sustainable, balanced and inclusive community.

Reasons

Character

3. The appeal would deliver four new dwellings of a broadly similar character and appearance to each other, on a site currently host to a much-altered, former farmhouse, some associated former-agricultural buildings and some more modern structures, in varying states of dilapidation and collapse.
4. The site itself sits at one of the higher points of the village, and the existing dwelling and buildings are somewhat elevated above the road. As such, the site is relatively visible, with the existing dwelling visible in views along the road from most directions. That does not however lead me to consider that the proposal would be unacceptable. The current buildings on the site are in a poor condition and their removal, replacement and redevelopment of the site would improve the character and appearance of the village.
5. The loss of the farmhouse and its outbuildings would have an effect on the character of the village. It would of course, remove a former farmhouse and associated agricultural buildings, an obvious signpost to the history of the settlement, and replace it with more modern housing. However, villages change over time.

6. Indeed, it is clear from the evidence, notably the Statement of Significance, and was plain from my site visit that the village has changed over time, with a shift from farms and farming related development, to groups of inter- and post-war housing, sporadic housing development and growth, more recent housing developments and now, this site. Given the overall effect of the proposal on the character and appearance of the area, and the consistency of this step in the history and growth of the village with others, I am satisfied that this change would not be a harmful one.
7. That the dwellings would be similar to each other, but different to others in the immediate surroundings, the wider street and the wider village is clear. However, that would be, in my view, entirely consistent with the established character of the village. It was made plain in the evidence, and was clear on my site visit, that the character of Wyaston is extremely varied. The immediate surroundings of the site, and Wyaston generally, exhibit a very wide variety of ages, forms, scale, height, detailing and materials. Buildings in the village also have a wide variety of relationships to their plots, boundaries, neighbours and the roads that serve them. When the somewhat hilly nature of the village is added into this mix, coupled with the historic street pattern, the overall character of the village is clearly an attractive, but extremely varied one.
8. The four somewhat-similar dwellings, delivered roughly contemporaneously on a single plot would be entirely consistent with other development and phases of development in the village. The identified and established character of Wyaston would therefore be retained by the proposal.
9. Whilst I accept that the footway to the front of the site would be somewhat atypical, I have some sympathy with the need for the appellant to walk the line between what is most appropriate for the character of the area in order to satisfy planning requirements, and what is necessary to satisfy the requirements of others, such as the Local Highway Authority. Although the footway is shown on the approved drawings, and is required by the Local Highway Authority, there is of course a mechanism by which an application could be made to the Council to amend this detail. However, at this time, and on the basis of the evidence and my observations on site, I am satisfied that the footway, as proposed and required by condition, would not introduce a suburban element given its obvious connection with the appeal development and the parking to the rear. I do not consider that it would therefore undermine or otherwise harm the varied character of the village.
10. In terms of the relationship of the proposal to the characteristics of villages within the Derbyshire Dales, as the appellant notes, and as I saw on my site visit¹, the district is a large one, with a wide variety of village characteristics. Indeed, the defining characteristic of these villages seemed to be their varied nature, in terms of the buildings themselves as much as the dispersal, layout and evident patterns of growth within them.
11. As such, consistent with my conclusions on the acceptable effect of the proposal on the village of Wyaston, and the immediate surroundings of the site, I find that the proposal would also reflect and enhance the characteristics of villages within the Derbyshire Dales.

¹ During which I also visited Brailsford, Ednaston, Shirley, Hollington, Longford, Yeaaveley, Osmaston, Bradley, Kniveton and Hognaston

12. For these reasons, the proposal would not harm the character of the area and would instead reflect and enhance the character of Wyaston, the characteristics of villages in the Derbyshire Dales, consistent with the requirements of the development plan. The proposal would therefore not conflict with Policy PD1 of the Adopted Derbyshire Dales Local Plan 2017 (the Local Plan).

Community

13. The second reason for refusal, concerning whether or not the proposal would contribute to the achievement of a sustainable, balanced and inclusive community relies upon Policy HC11 of the Local Plan. However, the text of that policy is clear that the housing mix it specifies only applies to developments of 11 dwellings or more. It does not therefore apply to this proposal.
14. Despite that, the first sentence of the policy requires that residential development contribute towards the creation of sustainable, balanced and inclusive communities by meeting identified local and district housing need.
15. There is evidence before me of housing need in the district, and nothing before me to suggest that the proposal would not meet some of this need. There is also evidence of an aging population in the village, and the provision of family dwellings could assist in redressing this balance. Whilst I accept that the proposed dwellings are large, this does not count against the proposal, and there is nothing in the evidence before me to suggest that the proposal could not result in a sustainable, balanced and inclusive community, or that future occupiers would not do the same.
16. Indeed, the delivery of the proposal would be more likely to contribute to the achievement of a sustainable, balanced and inclusive community than a currently vacant and somewhat dilapidated dwelling, or indeed a single dwelling, were it to be refurbished or otherwise reoccupied.
17. I therefore find that the proposal does not conflict with Policy HC11 of the Local Plan.

Other Matters

18. I note concerns, particularly from third parties over drainage proposals for the site. The Drainage Strategy Report, the recommendations and proposals of which are informed by boreholes, deals appropriately with the drainage of the site, and in particular surface-water flows which currently go beyond the boundaries of the site and into adjoining properties. Given that, I am satisfied that the proposal would, subject to conditions, be drained appropriately.
19. I also note concerns over highway safety, amenity and biodiversity. However, I am satisfied that the effect of the proposal in these regards is either acceptable or would be made so subject to conditions.

20. The Council and third-parties identify some heritage value to the site, and in particular the wall to the front, its former uses and the post-box associated with that. The Council identifies the site as a non-designated heritage asset and it would be wholly lost as a result of the proposal, although much of the significance is already being lost owing to the condition of the buildings on the site. Having regard to the significance of the site as a non-designated heritage asset, the total loss of it, and applying a balanced judgement, I am satisfied that the loss of significance of the site as a non-designated heritage asset is necessary and justified by the benefits of the proposal, including the provision of housing and the improvement to the character of the village.
21. I am pleased to note, as are third parties, that the appellant intends to reinstate both the post box and the village noticeboard. These are shown on the approved plans and are secured as a result. In all other regards, the proposal was considered acceptable by the Council, and having had regard to the evidence and representations made, I agree with that position.

Conditions

22. The Council has suggested a number of conditions to be attached, should planning permission be granted. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed those requested conditions, with minor alterations and corrections where necessary, subject to the changes discussed below, including the imposition of a time limit condition.
23. The appellant has confirmed in writing that they have no objection to the terms of most of the conditions, or to the pre-commencement conditions proposed by the Council. It is necessary and reasonable that the information required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development.
24. Turning to the conditions on which the appellant has provided specific comments, whilst I note their comment on Saturday working hours, I consider that the timings suggested are appropriate for the protection of living conditions of occupiers of nearby properties. The extension requested is not so great as to significantly alter the total amount of time available across a week to materially affect the construction period on site. That condition is therefore reasonable and necessary.
25. I agree that the carbon footprint condition is not necessary as it duplicates building control requirements. However, I do consider that the nesting bird survey and Reasonable Avoidance Measures conditions are both reasonable and necessary, given they relate to biodiversity, protected species and the need to ensure their protection during construction activities.

26. The removal or restriction of national permitted development rights as requested by the Council requires clear justification. Whilst the Officer Reports and Statement do give a reason for the removal of permitted development rights on the proposed dwellings, I am not satisfied that the justification is clear. Through its drafting, the permitted development regime already takes into account effects on amenity, character and appearance. Although the proposed dwellings are substantial, so are their plots. I am not convinced that they are so much larger, or that alterations under the permitted development regime would have a harmful effect on the character of the area, particularly given the varied character I have identified in my reasoning above, such that any future alterations would have any unacceptable effects. As such, I have not imposed the requested condition limiting permitted development rights.
27. Taken as a whole suite, I am satisfied that the conditions imposed are necessary amongst other things to ensure the satisfactory appearance of the completed development, to ensure that it can be safely accessed, and that the construction and use of it is acceptable in all relevant regards. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

28. I therefore find that the proposal accords with the development plan. As there are no material considerations that indicate a decision be taken other than in accordance with it, the appeal should be allowed.

S Dean

INSPECTOR

Schedule of conditions

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with Amended Drawing Nos. 14A, 15A, 16A, 17A, 18C, 19 and 20A received by the Council on 22 March 2024 except insofar as otherwise required by other conditions to which this permission is subject.
3. Before any proposed building is faced details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - details/samples of all facing and roofing materials;
 - large scale details of the eaves, verges and fascia boards (1:5 section);
 - large scale details of all external joinery, including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, cills and lintels;
 - details of the materials and colour treatment of the doors, door and window frames and garage doors and frames;
 - details of all rainwater goods;
 - details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air; and
 - full details of any proposed external meter and alarm boxes.
4. The development shall be undertaken fully in accordance with the recommendations of the arboricultural impact assessment detailed in Section 9 of the Arboricultural Report (Tree Heritage Ltd.) received on 12 February 2024.
5. Before the development is occupied, details of all hard and soft landscaping, to include boundary treatments and gates, shall be submitted to and approved in writing by the Local Planning Authority.
6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.
7. The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on Amended Drawing 18C.

8. The development hereby approved shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres to the south and 19 metres to the north measured along the nearside edge of the adjoining carriageway and offset a distance of 1 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.
9. The development hereby approved shall not be occupied until the proposed vehicle access gates have been set back five metres from the adjoining carriageway edge and made to open inwards only.
10. The development hereby approved shall not be occupied until the offsite works comprising the footway works as shown on Amended Drawing 18C have been constructed and completed.
11. The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on Amended Drawing 18C.
12. Prior to commencement of the development hereby permitted, details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority and shall include, but not be restricted to, the following:
 - parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - advisory routes for construction traffic;
 - any temporary access to the site;
 - locations for loading/unloading and storage of plant, waste and construction materials;
 - method of preventing mud and dust being carried onto the highway;
 - arrangements for turning vehicles;
 - arrangements to receive abnormal loads or unusually large vehicles;
 - a Highway Condition survey; and
 - methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The approved plan/statement shall be adhered to throughout the demolition/construction period.

13. No development shall take place until a written scheme of investigation (WSI) for archaeological work has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

All works should be in accordance with a written scheme of investigation (WSI), pre-approved by this office in writing, before implementation. The WSI should be compiled by the archaeological organisation commissioned to undertake the works in the field and should be undertaken to recognised industry standards, in line with the appropriate levels and standards of field practice and recording. All archaeological works should be undertaken by a suitably experienced archaeological organisation with suitably and demonstrably experienced archaeologists undertaking works on the ground.

14. No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at, received, or dispatched from the site except between the hours 08.00 – 18.00 Monday to Friday. 08.00 – 13.00 Saturday and at no time on Sundays, Bank or Public Holidays.
15. The development hereby approved shall be implemented in accordance with the recommendations in the submitted Drainage Strategy Report dated June 2024 by SA Consulting.
16. The building works shall not take place until an appropriate bat licence has been obtained and confirmation of this shall be submitted to the Local Planning Authority. Upon receipt of a licence from Natural England/site registration, works shall proceed strictly in accordance with the approved mitigation, which should be based on the proposed measures outlined in PBRA & Bird Report (S. Christopher Smith, August 2023) and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full, in accordance with a timetable of works included within the licence, and followed thereafter. A copy of the results of any monitoring works will be submitted to the Local Planning Authority prior to the occupation of any dwelling.
17. No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance.

If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

18. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full. Reasonable Avoidance Measures Due to the low risk to wildlife including great crested newts, bats and hedgehogs during construction activities, safe working methods should be employed.
19. The development shall not commence until a Reasonable Avoidance Measures Statement (RAMS) has been submitted to and approved in writing by the Local Planning Authority. It should detail precautionary methods of working during the site clearance, ground disturbance and other development activities which have the potential to harm, kill or trap species of amphibians or mammals and should be in accordance with B.S. 42020:2013 Biodiversity – Code of Practice for Planning and Development. It should also set out if/when an Ecological Clerk of Works (ECoW) is needed to be present on site, and timings for all species potentially present on site, including nesting birds. It shall include instructions in the event that great crested newts are encountered. The approved statement shall be implemented in full and a short statement of compliance submitted to the Local Planning Authority upon completion of clearance works.
20. Prior to works commencing, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022;
 - integrated bat boxes;
 - insect bricks / towers;
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs; and
 - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

The approved measures shall be implemented in full and maintained thereafter. Photographs of these features in situ shall be submitted to the Local Planning Authority to discharge this condition and the features shall be maintained in perpetuity.

End of schedule of conditions.