



Appeal Decision

Site visit made on 25 February 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/P1045/W/24/3353459

Land to the East of Wheatley Road, Two Dales, Derbyshire, DE4 2FF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Powell against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00053/OUT.
 - The development proposed is outline planning application with all matters reserved except access for the erection of up to 2no. single storey dwellinghouses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal has been amended in the banner heading above to omit the word resubmission, as it is not a description of development.
3. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. The proposed site plan shows the layout for two detached dwellinghouses. I have taken this plan into account for indicative purposes only.
4. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 with a further minor revision on 7 February 2025. The main parties were given an opportunity to comment. I have had regard to the latest version of the Framework in my decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site falls outside the settlement boundary of Darley Dale, which is an amalgam of smaller settlements, including Two Dales, and identified within Policy S2 of the Derbyshire Dales Local Plan (DDLP) as a second tier settlement. Policy S4 of the DDLP relates to development in the countryside, outside defined boundaries, and seeks to ensure that new development protects and where possible, enhances the landscape's intrinsic character and distinctiveness. It also allows new residential development on non-allocated sites on the edge of defined settlement boundaries of first, second and third tier settlements in circumstances where there is no 5-year housing land supply. This is also subject to consideration against other policies in the Local Plan and the provisions of the Framework.

7. The appellants highlight that the council had a housing land supply of 4.01 years during the determination of an appeal in 2024¹. They also add that the situation has become significantly more pressing with the publication of the revised Framework and that the Council's annual housing requirement has increased from 217 to 580 dwellings per annum. The Council has not provided an update on its housing land supply. In the absence of any contrary evidence before me I have determined the appeal on the basis that the council is currently unable to demonstrate a 5-year housing land supply. As such, the proposal would comply with Policy S4 of the DDLP, subject to consideration against other policies in the Local Plan and the Framework.
8. Policy PD5 of the DDLP seeks to protect, enhance and restore the landscape character, recognising its intrinsic beauty and its contribution to economic, environmental and social well-being. The policy identifies that this will be achieved by, amongst others, resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.
9. The appeal site forms part of a larger field, accessed off Wheatley Road. There is a track leading to a modern agricultural building to the eastern corner of the field. Opposite the appeal site, to the other side of Wheatley Road, is a housing development that faces Porteous Close. To either side of Wheatley Road are retaining dry-stone walls with trees and vegetation behind. Some of the properties on the Porteous Close side of Wheatley Road also have fencing positioned behind the dry-stone wall.
10. There are gaps along this stretch of Wheatley Road allowing views of the housing development on Porteous Close or the appeal site and open fields, depending which way you are looking. Consequently, either side of Wheatley Road have distinctly different characteristics, and it marks a clear boundary between the built-up part of Two Dales and the open countryside. The contrast between either side of Wheatley Road is a significant contributing factor to the setting of Two Dales.
11. The proposed development is for up to 2 single storey dwellinghouses, utilising the existing field access. The indicative layout shows 2 buildings positioned behind the existing trees and vegetation fronting Wheatley Road and towards the western corner of the field, adjacent to an existing property known as The Bungalow. I acknowledge that the appellants have sought to amend the proposal before me in response to a previously dismissed appeal² on the site. This includes a reduction from up to 3 dwellinghouses to up to 2 dwellinghouses, a smaller developable area and additional soft landscaping.
12. The appellants have highlighted that the Inspector on the previous appeal concluded that The Bungalow did not have an unduly harmful impact on the settlement pattern. The appellants consider that this indicates that this part of the land could be developed without significant harm to the settlement pattern.
13. However, the proposal would reduce the significant gap between the residential properties of The Bungalow to the north and Andorra to the south, eroding the existing open and rural nature of the site. Moreover, extending the run of residential properties on this side of Wheatley Road would lessen the clear distinction between the built-up part of Two Dales and the open countryside. Whilst

¹ Appeal Ref: APP/P1045/W/24/3337912

² Appeal Ref: APP/P1045/W/22/3313855

the existing vegetation along the site's frontage to Wheatley Road would partly screen the urbanising impact of the proposed scheme, it would still be visible through breaks in the vegetation as well as partly seen from the access point and nearby properties such as The Bungalow.

14. The appellants have drawn my attention to an appeal at 1 Hawleys Court³, which they consider to be similar to the appeal site. I note that this site was considered an infill development within a defined settlement framework. As such, a comparison is of limited relevance in this instance, and I have considered the appeal before me on its individual merits.
15. For the above reasons, the proposed development would cause significant harm to the character and appearance of the area, with particular regard to the local landscape and the setting of Two Dales. This would conflict with Policies S1, S4 and PD5 of the DDLP, which require all developments to reflect the character of the area and resist development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement. The proposal would also conflict with Policy NP6 of the Darley Dale Neighbourhood Plan (DDNP), which supports a layout that follows the existing development pattern along the roads through Two Dales.

Other Matters

16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a statutory duty to consider whether to grant planning permission for development which affects a listed building or its setting. Special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
17. The Cottage, which is a Grade II listed building, is located near to the appeal site at the junction of Park Lane and Wheatley Road. The Cottage dates from 1704, is of stone construction, with several architectural features to its principal rear facing elevation and in more recent time has been occupied by a local author. Consequently, the building's significance rests primarily with its age, architectural detailing and cultural association.
18. On the previous appeal, the Inspector identified that very little was derived from The Cottage's immediate setting. Moreover, the Inspector was unconvinced the appeal site was located within the setting of the listed building as defined in the Framework and concluded that the proposal would preserve the setting of the listed building and the ability to appreciate it. From my own observations and in the absence of any contrary evidence before me, I have come to the same conclusion.

Planning Balance

19. The council does not have a 5 year supply of deliverable housing sites and, as per footnote 8 to paragraph 11 of the Framework, relevant development plan policies are taken to be out of date. There is nothing before me to indicate that there is a clear reason for refusing the proposal as per footnote 7 to paragraph 11 of the Framework. Therefore, paragraph 11 d) of the Framework identifies that planning permission should be granted unless any adverse impact of doing so would

³ Appeal Ref: APP/P1045/W/15/3130916

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

20. The proposed development would make a positive contribution to housing supply, in the form of modest sized open market properties in an edge of settlement location. There would also be associated social and economic benefits during the period of construction and once the dwellinghouses are occupied. The proposals also indicate that there would be environmental benefits with the houses being fitted with PV panels that would provide much of the electricity, and primary heating provided by a Ground Source Heat Pump system.
21. However, the scale of the development means that I afford the provision of new housing within the context of the current shortfall, along with the benefits listed above, moderate weight in favour of the proposed development.
22. On the other side of the balance, there would be significant harm to the character and appearance of the area. I give significant weight to Policies S1, S4 and PD5 of the DDLP and N6 of the DDNP, which are consistent with the Framework in ensuring that development is sympathetic to local character.
23. Therefore, I conclude that the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the presumption in favour of sustainable development does not apply.

Conclusion

24. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

P Barton

INSPECTOR