



Appeal Decision

Site visit made on 2 April 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 July 2025

Appeal Ref: APP/P1045/W/24/3357215

Former School Site, Land West of Starkholmes Road, Starkholmes, Matlock, Derbyshire DE4 5JE

- 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 Diocese of Derby against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00240/FUL.
 - The development proposed is described as: Erection of a new dwelling with associated parking and works of hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the Matlock Bath Conservation Area (CA) and the Derwent Valley Mills World Heritage Site (DVMWHS).

Reasons

3. The appeal site is located on Starkholmes Road outside of, but adjacent to the settlement boundary of Matlock. This part of Starkholmes Road, on the side of the appeal site is free from significant built development. To the north side of the site is a war memorial and associated garden. To the south of the appeal site is undeveloped open countryside land. On the opposite side of Starkholmes Road there is a large undeveloped area of land alongside two houses.
4. The appeal site was formerly occupied by buildings associated with Starkholmes School, which were demolished in approximately 1965. The site is bounded by the original stone boundary walls, gates and railings and there is an area of hardstanding remaining from the school yard. The rest of the site is now occupied by trees and vegetation. I acknowledge that there is built development on the opposite side of Starkholmes Road to the appeal site. However, the appeal site and the land immediately adjacent in both directions is undeveloped. The site is not therefore within what may be described as a built-up ribbon of development along Starkholmes Road.
5. Whilst the appeal site itself is relatively level, the land to the rear of the site slopes down steeply, affording views from the site down towards the River Derwent and across to the settlement of Matlock Bath and the CA. The appeal site, in its current form makes a positive contribution to the verdant and open countryside character of this part of Starkholmes Road.

6. I have had regard to the appellant's Landscape and Visual Appraisal¹. This finds that there would be some minor adverse and negligible adverse initial landscape and visual effects, but long-term landscape character effects would be predominantly negligibly beneficial. I also appreciate the appellant's case that the dwelling has been designed to minimise its impact on the landscape. Nevertheless, it is my planning judgement that built development on the site would appear as an alien and discordant feature in the landscape on this side of Starkholmes Road.
7. The proposed dwelling would have two main timber clad accommodation blocks each with a mono pitched green roof, linked by a glazed central section with a flat roof. The rear elevation would incorporate stone, but due to the topography of the area, the timber clad elements would be the most visible part of the proposed dwelling from the public highway. During my site visit I observed that whilst there is some variation in the design and materials of dwellings in the vicinity of the appeal site, it is predominantly characterised by typical domestic constructions, finished in stone or brick.
8. It is proposed to retain the existing boundary wall around the site, albeit lowered in places to accommodate an acceptable vehicle visibility splay. However, the proposed dwelling would be conspicuous above the wall. The appearance and design of the proposed dwelling would not be in keeping with the prevailing character of dwellings in the vicinity of the appeal site and, as such, it would be an incongruous addition to the area.
9. I have had regard to the examples of authorised timber clad structures near to the appeal site. Photographs of different building forms and designs have also been submitted, although their locations have not been identified. However, I do not find any of the examples to be directly comparable with the appeal proposal, which I have determined on its own merits. In any event, they do not justify the appeal proposal in light of the harm I have found which would be caused to the character and appearance of the area.
10. The National Planning Policy Framework (the Framework) requires an assessment of the effect of proposed development on the setting of heritage assets. The appeal site is identified as being within the setting of the Matlock Bath CA and the DVMWHS.
11. The appeal site is adjacent to character zone 5: Starkholmes Meadows of the CA. The significance of this part of the CA is defined in the Matlock Bath Conservation Area Appraisal (2006) as undulating pasture with dry-stone field boundary walls and occasional individual and groups of trees. This area was included in the CA because of the open views that could be gained to it from other areas within and above Matlock Bath to the west and for the genuine relief from the overwhelming sense of enclosure experienced within the rest of the valley.
12. The appraisal notes that from higher ground in the east, views across to the western side of the Derwent valley, Matlock Bath, the Heights of Abraham and Upperwood are panoramic. I observed this to be the view from the appeal site. The steeply sloping topography from Starkholmes Road into the CA provide views which are influenced by the predominantly undeveloped nature of the landscape. Any development visible from this location is sparse and inconspicuous in the landscape.

¹ By Weddles, Landscape Research Office Limited, dated November 2023

13. I acknowledge the appellant's comment that the appeal site is not included in the CA on the assumption it was considered part of the built up area of Starkholmes. This point is not further substantiated, and the CA Appraisal does not comment on the location of the boundary specifically in relation to the appeal site. However, in its current state, free from significant built development, and allowing views into the CA from Starkholmes Road, I find that it makes a positive contribution to the setting of the CA.
14. The appeal proposal would introduce a built form which, as identified above, would be uncharacteristic of the area. The proposed development would be a noticeable and harmful addition to the setting of the CA. Furthermore, it would interrupt views from Starkholmes Road into the CA. I therefore find the proposal would harm the significance of the CA.
15. Turning to the DVMWHS, which follows the River Derwent valley over a distance of 24km from Matlock Bath to Derby. The DVMWHS was inscribed in 2001 after meeting 2 UNESCO criteria, as identified in the Management Plan (2020-2025). World Heritage Sites are places of Outstanding Universal Value (OUV) for all humanity. The DVMWHS is recognised for its crucial role in the Industrial Revolution and as the establishment of the modern factory system.
16. For the purposes of this appeal, the significance of the DVMWHS, as defined in its statement of OUV is the integrity of the relationship of the industrial buildings and their dependent urban settlements to the topography of the surrounding rural landscape. This has been preserved, especially in the upper reaches of the valley, virtually intact.
17. An important management objective is the protection of the DVMWHS's setting. The DVMWHS therefore has a buffer zone which includes important views and other areas or attributes that are functionally important as a support to the Site and its protection. The Management Plan states that it is of vital importance for the setting of the DVMWHS to remain rural in order to maintain its OUV.
18. The appeal site is located at the edge of, and only partially within the buffer zone. As such it is within the setting of the DMVWHS². The site is located some distance from the DVMWHS itself and the proposed development is of a small scale in the context of the overall size of the buffer zone. The incorporation of stone to the rear elevation of the proposed dwelling would be consistent with other structures in the rural landscape setting of the DVMWHS. Therefore, in my judgement, the proposal would not be deleterious to its very wide rural setting. I therefore find no harm to the significance of the DVMWHS.
19. Whilst I have not found harm to the significance of the DVMWHS, the proposal would harm the character and appearance of the area, and it would harm the significance of the CA. As such, it would conflict with Policies S4, PD1 and PD2 of the Derbyshire Dales Local Plan (2017) (LP) which together require development in the countryside to be of high quality design that respects the character, identity, local distinctiveness and context of the Derbyshire Dales landscapes and to protect the character, appearance and integrity of the historic environment, amongst other things.

² Planning Practice Guidance Paragraph: 033 Reference ID: 18a-033-20190723

Public Benefits

20. Taking all of the above into account, I find the harm to the significance of the CA to be less than substantial, but nevertheless of great importance and weight. Paragraph 215 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development.
21. The proposal would deliver a new dwelling, it would also result in an increase in biodiversity on the site and deliver some economic uplift in the local economy during the construction process and from the future spending of occupiers. Generally, the provision of housing is a clear public benefit that carries considerable weight, particularly in light of the Council's housing land supply position, set out below. However, the weight I give to this is lessened significantly by the fact that the proposal would only deliver one dwelling and by my conclusion that the proposal would harm the character and appearance of the area. The economic and biodiversity benefits would also be minimal. Therefore, these benefits do not outweigh the great weight that I give to the asset's conservation.

Other Matters

22. The application site is located outside of, but adjacent to, the settlement boundary of Matlock. The site is therefore located in open countryside and it is not allocated for a particular use in the LP. Matlock is identified as a first tier town in Policy S2 of the LP. LP Policy S4 guides development in the open countryside including defining circumstances in which development would be granted planning permission. This includes criterion i) which allows for new residential development *'on non-allocated sites on the edge of defined settlement development boundaries of first, second and third tier settlements (Policy S2) in circumstances where there is no 5 year supply subject to consideration against other policies in the Local Plan and the provisions of the NPPF'*.
23. The Council has confirmed that it is currently unable to demonstrate a five year supply of deliverable housing sites. As such, in the context of Policy S4 criterion i), the Council does not dispute the principle of residential development in this location, and I have no reason to reach a different conclusion. However, full compliance with Policy S2 criterion i) is subject to consideration against other LP policies and the Framework, and against which I have found harm. I therefore give this matter limited weight in favour of the proposal.
24. I have had regard to the examples submitted of three planning permissions for single dwellings in other open countryside locations. The example sites are located some distance from the appeal site and, as such, cannot be viewed in the same context. The sites are also subject to different physical and policy constraints. Based on the evidence submitted, I do not find that any of the examples are directly comparable to the appeal proposal, which I have determined on its own merits.
25. The Framework and LP Policies S1 and S2 encourage the use of previously developed land, in appropriate circumstances. I acknowledge that the former school's boundary walls, gates and railings are still present along the site's boundaries and there is an area of hard surfacing remaining. However, based on my observations on site and given the passage of time since the demolition of the school buildings, it is my judgement that these structures and the hard surface

have blended into the landscape. Therefore, I conclude the appeal site does not meet the Framework definition of previously developed land and, as such, this matter does not weigh in favour of the appeal proposal.

26. The appellant suggests the proposed dwelling has the potential to be a custom build dwelling for which, it is said, there is a need in the authority area. However, there is no evidence submitted of a legal agreement or any other mechanism by which a custom build dwelling could be secured on the appeal site. This matter therefore weighs neutrally and does not alter my overall conclusion on the main issues of this appeal.
27. Other benefits of the proposal include the use of a range of sustainability measures and an increase biodiversity on the site. There would also be some economic uplift in the local economy during the construction process and from the future spending of occupiers. However, the contribution of 1 dwelling to the housing supply would be minimal, as would the magnitude of the other benefits and, as such, these benefits only attract limited weight in favour of the proposal.
28. The appellant refers to pre-application discussions with Officers at the Council. However, I am mindful that pre-application discussions are informal and not binding on any future decision the LPA may make once a proposal has been subject to the formal planning process. Therefore, this matter does not lead me away from my conclusions on the main issues in this case.
29. My attention has been drawn to the Old Matlock conservation area. The boundary of this conservation area is located a significant distance from the appeal site. Given the distance and the intervening development, I do not consider the appeal site is within or affects the setting or significance of Old Matlock conservation area.

Planning Balance

30. The appeal proposal conflicts with LP Policy S4 insofar as it requires new development in the countryside to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic environment. The proposal also conflicts with Policies PD1 and PD2 which require high quality design that respects local character and is sympathetic to and minimises harm to designated heritage assets.
31. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. In this respect the Framework recognises that heritage assets are an irreplaceable resource, which should be conserved in a manner appropriate to the significance. Furthermore, the countryside is not protected for its own sake, but its intrinsic character and beauty is recognised by the Framework which also indicates development should maintain the prevailing setting and character. Therefore, the conflict between the proposal and Policies S4, PD1 and PD2 should be given significant weight in this appeal.
32. In circumstances where the Council cannot demonstrate a five year supply of deliverable housing sites, footnote 8 of the Framework establishes that the policies which are most important for determining the application are out of-date. The balance in paragraph 11 d)(i) of the Framework is therefore engaged. This states that planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong

reason for refusing the development proposed. Footnote 7 of the Framework confirms the policies referred to are those in the Framework relating to, amongst others, designated heritage assets.

33. The Council has not specified the extent of its shortfall, however, as described above, the benefits of a single dwelling would be limited, even taking into account the Framework's objective of significantly boosting housing land supply. For the reasons set out above, I find that the application of policies in the Framework that protect designated heritage assets provides a strong reason for refusing the proposal. As a result, the presumption in favour of sustainable development does not apply in this instance.

Conclusion

34. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

A O'Neill

INSPECTOR