



Appeal Decision

Site visit made on 1 July 2025

by **Graham Wraight BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st July 2025

Appeal Ref: APP/P1045/W/25/3359860

North Park Farm, Whitworth Road, Darley Dale, Derbyshire DE4 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr G Lowe against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00877/VCOND.
 - The application sought planning permission for the erection of 1no. dwellinghouse without complying with conditions attached to planning permission Ref 22/0529/FUL, dated 25 January 2023.
 - The conditions in dispute are Nos 2, 4, 6 & 8 which state that:
 - (2) *The development hereby permitted shall not be carried out other than in accordance with the following approved plans: location plan scale 1:2500 and block plan no. L.22.01 received by the Local Planning Authority on the 9th May 2022 and 10th June 2022, the levels survey scale 1:250 and cross section scale 1:250 received on the 10th October 2022 and elevations and floorplans no. gl.22.03 received on the 11th October 2022, subject to the following conditions.*
 - (4) *No part of the development shall be occupied or brought into use until the new vehicular access is formed to Whitworth Road with visibility splays as defined on drawing no. L.22.01 which is cleared of all obstructions to visibility exceeding 1 metre in height (0.6 metre in the case of vegetation) above carriageway/verge level. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter.*
 - (6) *The dwelling shall not be occupied until details of the proposed parking and manoeuvring areas within the site have been submitted to, and approved in writing, by the Local Planning Authority. These facilities shall be completed before the first occupation of the dwelling and thereafter be retained for use at all times throughout the lifetime of the development.*
 - (8) *The finished floor level of the dwelling and access and turning area shall be constructed in accordance with the approved details on the level survey scale 1:250 plan received on the 10th October 2022.*
 - The reasons given for the conditions are:
 - (2) *For the avoidance of doubt as the forward projection on the front elevation was not acceptable and contrary to Policies PD1 and HC10 of the Adopted Derbyshire Dales Local Plan (2017).*
 - (4 & 6) *In the interests of highway safety in accordance with Policy HC19 of the Adopted Derbyshire Dales Local Plan (2017).*
 - (8) *To protect the amenities of adjoining properties and the appearance of the area generally in accordance with Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).*
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1no. dwellinghouse at North Park Farm, Whitworth Road, Darley Dale, Derbyshire DE4 2HJ in accordance with the application Ref 24/00877/VCOND, without compliance with condition numbers 2, 3, 4, 5, 6 and 8 previously imposed on planning permission Ref 22/0529/FUL dated 25 January 2023 and subject to the conditions set out in the schedule attached to this decision.

Applications for costs

2. Applications for costs were made by Mr G Lowe against Derbyshire Dales District Council and by Derbyshire Dales District Council against Mr G Lowe. These applications are the subject of separate Decisions.

Preliminary Matters

3. An amended cross section was provided with the suite of plans submitted in support of the application which is now subject to this appeal. That cross section was not consistent with the original cross section nor with either the original or the amended layout plans, in particular in terms of the finished floor levels shown and the width of the dwelling shown. There was, however, no need for an amended cross section at all, as it does not show any of the matters for which amendments were being sought. The Council's concerns about the accuracy of the amended cross section could therefore straightforwardly be addressed by retaining the original cross section as an approved plan and disregarding the amended cross section.
4. I have taken the views of the main parties on this matter. The Council consider that a determination of the appeal should be made on the basis of the amended cross section plan submitted. However, when there is such a simple solution to overcome this matter, and one which would have no bearing on the substance of the amendments that are being sought, the taking of a pragmatic approach is warranted. I am satisfied that such an approach would not cause prejudice to any party who has an interest in the appeal, as the floor levels and width of the proposed dwelling would remain unchanged from what has already been approved. I proceed on that basis.
5. There has been work undertaken on the appeal site to alter the ground levels. This is subject to enforcement action by the Council, and it has no bearing on my consideration of the proposals that are before me.

Background and Main Issue

6. Planning permission was granted in 2023 for the erection of one dwelling on the appeal site. The appeal proposal seeks to make amendments to that approved scheme, namely through the addition of a porch, changes to the fenestration of the dwelling and the widening of the driveway. The appellant also advises that the amendments would address an anomaly whereas different layouts are shown on the previously approved plans.
7. The Council does not object to the widening of the driveway, and I find no reason to take a different view. Their concern relates to the impact of the porch and fenestration changes and their impact upon the character and appearance of the host dwelling and the area. This is the main issue in the appeal.

Reasons

8. The proposed porch would be a single storey addition with a mono-pitched roof. It would be positioned centrally on one end of the dwelling. Whilst it would affect the linear form of the dwelling as approved to some degree, it would be a relatively small addition. It would not compromise the overall design aesthetic of the dwelling both as an individual building or in comparison to other existing buildings in the vicinity and it would sit at a ground level well below that of the public highway. The

proposed change to the fenestration would be very minor and likewise would not cause harm to the character and appearance of the dwelling or the area.

9. For these reasons, I conclude that the proposed porch would not cause harm to the character and appearance of the host dwelling or the area. Consequently, the proposal would accord with Policies PD1 and HC10 of the Derbyshire Dales Local Plan 2017, where they seek to safeguard character and appearance and to promote high quality design.

Conditions

10. The advice in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. All references to numbers below are those as set out on the original decision notice.
11. Condition 1, which sets out the period for commencing the development, must be amended to reference three years from the date of the original permission. This is because a section 73 application cannot extend the commencement time period. Details regarding condition 3 have been considered under a separate planning appeal¹ submitted concurrently with this one, which I have also determined. I have concluded that the details provided are satisfactory, and therefore I shall amend the wording of condition 3 as it is unnecessary for those details to be submitted again for approval.
12. I have been made aware in my consideration of the other appeal that condition 5, which related to the closing of the existing site access, has been discharged. I noted at my site visit that this work has been carried out, and therefore there is no need to replicate condition 5 on a new permission. Conditions 2, 4, 8 need to be reworded to refer to the amended drawings submitted, and which are to be approved. Details of parking and manoeuvring areas have been shown on the amended drawings and are acceptable. Therefore, condition 6 should be amended to reflect this. All other conditions remain unchanged.

Conclusion

13. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR

¹ APP/P1045/W/25/3364495

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 25 January 2026.
- 2) The development hereby permitted shall not be carried out other than in accordance with the following approved plans: location plan no. GL24.00, levels and layout plan no. GL24.01, elevations and floorplans no. gl.22.03B, and the cross section plan submitted and approved under planning permission reference 22/0529/FUL.
- 3) Before any other operations are commenced (excluding condition 4), space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with the details approved under planning appeal reference APP/P1045/W/25/3364495. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
- 4) No part of the development shall be occupied or brought into use until the new vehicular access is formed to Whitworth Road with visibility splays as defined on drawing no. GL24.01 which is cleared of all obstructions to visibility exceeding 1 metre in height (0.6 metre in the case of vegetation) above carriageway/verge level. The visibility splays shall subsequently be maintained free of any visual obstruction thereafter.
- 5) The dwelling shall not be occupied until the proposed parking and manoeuvring areas within the site have been completed in accordance with drawing no. GL24.01 and these facilities shall thereafter be retained for use at all times throughout the lifetime of the development.
- 6) There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.
- 7) The finished floor level of the dwelling and access and turning area shall be constructed in accordance with the approved details on drawing no. GL24.01.
- 8) A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the completion or first occupation of the development hereby approved, the details of which shall include:
 - a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - e) means of enclosure including the rebuilding of the stone wall;
 - f) hard surfacing materials;
 - g) timescale for implementation.

The development shall thereafter be carried out in accordance with the approved details.

- 9) Samples of new materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be constructed in accordance with the approved details.
- 10) Details of all new external window and door joinery and/or metal framed glazing shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills, lintels, external finish and elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The development shall be carried out in accordance with the approved details.
- 11) Prior to the works beginning on the superstructure a programme for the delivery of the measures to mitigate the effects of and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be carried out in accordance with the approved programme.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no buildings, extensions, gates, fences or walls (other than those expressly authorised by this permission) shall be carried out within the curtilage of the dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.
- 13) Prior to any works to construct the building or boundary treatments, a scheme of biodiversity enhancement measures (including timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details which shall be implemented in full and maintained thereafter throughout the lifetime of the development.
- 14) No site machinery or plant shall be operated, no process shall be carried out and no construction related deliveries received or dispatched from the site except between the hours of 8am-6pm Monday to Friday, 8am-1pm Saturday and at no time on Sundays, Bank or Public Holidays.

-----End of Conditions-----