



Appeal Decision

Site visit made on 23 September 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 October 2025

Appeal Ref: APP/M1005/W/25/3369730

Land off Hob Hill, Hazelwood, Belper, Derbyshire

Grid Reference Easting 432777, Grid Reference Northing 345842

- 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 D Halliday against the decision of Amber Valley Borough Council.
 - The application Ref is AVA/2024/0702.
 - The development proposed is erection of three dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character of the countryside and landscape;
 - Whether the proposal would be suitably located having regard to relevant development plan policies concerning the location of housing; and
 - The effect of the proposed development on biodiversity.

Reasons

Landscape and countryside character

3. The surrounding area is predominantly rural and agricultural in nature. Along Hob Hill are detached dwellings which largely maintain the rural character of the area. Most dwellings are along the northern side of Hob Hill and there are mix of traditional and modern dwellings which vary in scale and design. The distance between the front elevation of dwellings and Hob Hill varies but in general Hob Hill is characterised by frontage development. Several properties are accessed off shared private driveways but have a visual connection with the highway as they are sited along Hob Hill.
4. The site lies within the Peak Fringe and Lower Derwent Landscape Character Area and the Wooded Slopes and Valleys Landscape Character Type, set out in the Derbyshire Landscape Character Assessment. The assessment identifies key characteristics of the landscape character type which include irregular field pattern bounded by mixed species hedgerows and dispersed sandstone farmsteads with stone slate roofs. It also states that the majority of historic buildings are constructed of local sandstone, traditionally roofed with stone slates. Farmsteads are dispersed

throughout the landscape, though there are occasionally clusters of farmsteads and cottages.

5. The size of the dwellings would be in keeping with the area and would be relatively low lying. The site comprises an open field located in the open countryside. A new access is proposed off Hob Hill. Existing boundary hedgerows and trees would provide some screening. Having said that and taking into account my site visit observations and the Visual Impact Assessment (VIA), it is likely that the development would be visible from numerous viewpoints, including nearby public footpaths and Hob Hill (where the access is proposed).
6. The development would be seen in the context of the existing built development. However, due to its set back from the highway it would represent a visual intrusion into the open countryside and would fail to maintain the rural character and appearance of the area. Furthermore, the field pattern would be disrupted, and the proposed planting would contrast with the existing hedgerow trees due to its formality. Given the length of the new access road, and siting of the dwellings, the dwellings would be surrounded by rural landscape and open fields, rather than successfully integrating with the existing built development. Thus, the proposal would be at odds with the prevailing landscape character. There are examples of individual dwellings set back from the highway. Nonetheless, the proposed development would result in a small group of dwellings set back substantially from the highway which would not be characteristic of the area.
7. The VIA was not carried out in accordance with standard sectoral guidance, including the Guidelines for Landscape and Visual Impact Assessment guidelines. The photographs contained within the VIA do not accurately represent the views as they appear to use panoramic images. Furthermore, the VIA does not adequately assess potential visual impacts from longer distance viewpoints. Having regard to the sensitivity of the landscape and scale of the development, insufficient quality information, has been provided to fully assess the impact of the proposed development on the landscape.
8. For these reasons, the development would be out of keeping with the grain of the settlement and would fail to positively contribute towards the built context. Consequently, the development would cause harm to the character of the countryside and landscape. In this regard, it would therefore conflict with Policy EN7 of the Amber Valley Borough Local Plan (2016) (LP) and Policy NP6 of the Hazelwood Parish Neighbourhood Plan 2016-2040 (NP) which seeks to ensure development is appropriate to the landscape character type within which it is proposed.
9. The proposal would also conflict with paragraph 187 of the National Planning Policy Framework (the Framework) which states decisions should contribute to and enhance the natural and local environment.

Location

10. The site comprises an open field located in the open countryside. The proposed development does not comply with any of the listed criteria set out within Policies EN1 and H5 of the LP.
11. Policy NP1 of the NP supports development proposals for more than one dwelling where it would be well-integrated within an existing group of residential buildings,

must conserve and enhance the rural character of the built environment, and conserve or enhance the high quality landscape in the vicinity, and must not extend built development further along the identified road frontages. It should also be demonstrated that the development meets an identified and evidenced local housing need.

12. As set out above, the development would not be well-integrated within an existing group of residential buildings, would not conserve and enhance the rural character of the built environment, and would fail to conserve or enhance the high quality landscape in the vicinity.
13. As a result of the proposed set back from the highway, the development would not extend built development across the road frontage, identified within the NP. Nonetheless, it would extend development beyond the defined frontage.
14. The appellant states that they have identified an ageing population in Hazelwood, combined with an above average proportion of larger dwellings and a below average level of occupancy. They therefore propose to develop a small cluster of smaller properties suitable for downsizing, which would free up the pool of larger under occupied properties for family occupation and breathe life back into the village. However, the evidence provided does not robustly demonstrate that the proposed development would legitimately meet an identified and evidenced local housing need.
15. For these reasons, the proposal would not be suitably located having regard to relevant development plan policies concerning the location of housing as it would conflict with Policies EN1 and H5 of the LP and Policy NP1 of the NP.

Biodiversity

16. The application was accompanied by a Biodiversity Net Gain report. The appellant sets out that to comply with the deemed biodiversity net gain condition, they would need to enter into a Section 106 agreement or conservation covenant. Alternatively, the required gain could be delivered through a third-party supplier with a conservation covenant. This will be firmed up through the required Biodiversity Net Gain Plan. The appellant states that either way they consider a 10% net gain will be secured through the deemed condition.
17. Derbyshire wildlife trust has raised numerous issues in relation to this main issue. Including that the submitted Statutory Biodiversity Metric may not be the most up-to-date version. Furthermore, clarity regarding the exact redline boundary is required given the location of the grassland enhancement and tree planting. The submitted landscaping plans, BNG report and metric need to read in conjunction and be consistent. These matters have not been adequately addressed and therefore the application has not been satisfactorily accompanied by the minimum information requirements.
18. For these reasons, there is insufficient information to determine that the mandatory requirement of a 10% net gain can be secured as part of the development. It has therefore not been demonstrated that the proposed development would have an acceptable effect on biodiversity. Thus, the proposal would conflict with Policy EN13 of the LP which seeks to protect biodiversity.

19. The proposed development would also conflict with Paragraph 193 of the Framework which supports development that conserves or enhances biodiversity. In addition, it would conflict with Policy EN8 of the emerging Amber Valley Borough Local Plan 2022-2040. This states that development should deliver measurable and proportionate net gains in biodiversity. Given the stage of the plan, this limits the weight I can attach to the conflict but in any event, it is not a determinative factor in this case.

Planning balance and conclusion

20. The Council set out that the latest position on housing land supply is that as of 1 April 2024, there is a supply of 8.71 years. The proposal would make a modest contribution to future housing delivery within the Borough. Given the Council's housing land supply position, I give this benefit limited weight. Taking into account the scale of the development, I give limited weight to the economic and social benefits of the proposal.
21. The appellant considers that the LP is significantly out of date. Furthermore, the Council set out that as the housing policies of the LP did not envisage housing growth beyond 2011 this means that these policies are now considered out of date, in respect of proposals for new housing, because they place a blanket restriction on new housing outside of settlements and prevent new sustainable housing schemes from being delivered within the Borough. Thus, Policies EN1 and H5 can only be given limited weight in the decision-making process as set out in paragraph 232 of the Framework.
22. Nonetheless, as acknowledged by the Council, Policies LS3, H12, EN7, EN8, EN13, TP1 of the LP are consistent with the Framework. Thus, in this case, the basket of the most important policies is not out-of-date and therefore paragraph 11(d) of the Framework is not engaged.
23. Having said that, given the conflict and harm I have found, even if paragraph 11 d) of the Framework is engaged, then the adverse impacts 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. As a result, the presumption in favour of sustainable development does not apply.
24. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR