
Appeal Decision

Site visit made on 13 January 2026

by **C Evans MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 February 2026

Appeal Ref: APP/P1045/W/25/3372849

The Willows, Intakes Lane, Turnditch, Derbyshire DE56 2LU

- 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 Fontenay Ltd against the decision of Derbyshire Dales District Council.
 - The application Ref is 25/00600/FUL.
 - The development proposed is demolition of numerous outbuildings (sheds, kennels, greenhouses) and erection of a single two storey dwelling house and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised site plan was submitted as part of the appeal, which included a bio-diversity net gain area. The Council has had sight of this and has confirmed that it would not have changed their decision to refuse planning permission. On this basis, the small change would cause no procedural unfairness and I have based my decision on the drawing referenced 5706/PL/01 Rev A (June 2025).

Main Issue

3. The main issue is whether the site represents an appropriate location for housing having regard to local and national policy.

Reasons

4. The appeal site is located in part of a cluster of development along Intakes Lane, comprising of commercial plots and a small number of dwellings, including The Willows. At the time of my visit, the site was occupied by kennels, sheds, raised beds and grassed areas. The surrounding area is rural, with an open landscape.
5. The site is part of the curtilage of The Willows. It is located outside of any defined settlement and not in a built-up area and therefore, the site is previously developed land, as defined in the National Planning Policy Framework (the Framework). The proposal complies with Policy S1 of the Derbyshire Dales Local Plan (Local Plan) (adopted 2017) in this respect. However, this policy also seeks to minimise the need to travel by promoting development in accessible locations. There is no pavement or lighting along this section of Intakes Lane. There are limited services in the nearest settlements of Hulland Ward and Mercaston. Consequently, there would likely be a high reliance on private vehicles to access facilities and services.
6. Local Plan Policy S4 provides criteria to guide residential development in the open countryside to deliver sustainable rural communities. The proposal would conserve

the character and appearance of the area due to its location between Intakes Lane and The Willows and would improve the visual quality of the area. It would not meet the criteria for circumstances where new residential development is permitted. These are limited to within or on the edges of defined settlements, affordable housing and essential dwellings for agriculture, forestry or other rural based workers only.

7. For the reasons set out above, I conclude that the proposal would not be an appropriate location for housing, having regard to Local Plan policies S1 and S4, which, amongst other things, seek to direct residential development towards sustainable locations.

Planning Balance

8. The proposal is in conflict with the Local Plan as a whole and specifically with the policies identified above. On this basis, the proposal should be refused unless material considerations indicate otherwise. These policies seek to direct new residential development to appropriate locations and therefore, are consistent with the Framework in this respect.
9. Both the Council and the appellant agree that the Council can demonstrate a 1.36 year supply of deliverable housing sites, which is a substantial shortfall. In these circumstances, paragraph 11 (d) of the Framework applies. Planning permission for new sustainable development should be granted, unless adverse impacts significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
10. There are limited benefits from a single dwelling, even when the significant shortfall in the supply of housing is taken into account, therefore this attracts limited weight. The appellant has drawn my attention to previous appeals and the weight given to increasing the land supply (ref APP/E2734/A/13/2207338 and APP/P1045/W/25/3363697). Limited information has been provided regarding the former, which was for a larger residential scheme. This would have greater impact on increasing the housing land supply. The latter is for a larger residential scheme with the additional benefit of affordable housing provision. The site is located adjacent to a defined, accessible settlement with some facilities. Neither are directly comparable and the benefits and harm of this appeal should be considered accordingly.
11. There would be some environmental, social and economic benefits linked to the proposal. EV charging, cycle storage and a home-working space are to be provided. There are also benefits to developing previously developed land rather than a greenfield site, which the Framework gives substantial weight to. These benefits, however, do not outweigh the harm identified above.
12. The adverse impacts of the proposal on the housing strategy and the reliance on private transport would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

C Evans

INSPECTOR