
Appeal Decision

Site visit made on 27 January 2026

by **M Willis BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 February 2026

Appeal Ref: APP/P1045/W/25/3374704

Land North of Cavendish Drive, Ashbourne, Derbyshire DE6 1SR

- 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 Chevin Homes (Derby) Ltd against the decision of Derbyshire Dales District Council.
 - The application Ref is 25/00620/FUL.
 - The development proposed is the erection 2 no. two storey semi-detached dwellinghouses.
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Decision

1. The appeal is allowed and planning permission is granted for the erection 2 no. two storey semi-detached dwellinghouses at Land North of Cavendish Drive, Ashbourne, DE6 1SR in accordance with the terms of the application, Ref 25/00620/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site is part of a larger parcel of land identified by Policy HC2 of the Derbyshire Dales Local Plan 2013-2033 (Adopted 2017) (DDLDP) as a housing land allocation for 28 dwellings (Site ref: HC2(e)). Planning permission has been granted for 36 dwellings on this site (22/01407/FUL) and the development is currently under construction. The evidence shows that the approved drawings relating to this development identify the appeal site as an area of retained and proposed landscaping. Landscaping and biodiversity details required by a condition of that permission have also been approved.

Main Issue

3. The main issue relevant to this appeal is the effect of the proposed development on the character and appearance of the surrounding area with regard to visual appearance, landscaping and biodiversity.

Reasons

4. The site is within the development limits of Ashbourne and lies within the footprint of an allocated housing site. The site is located between 21 Cavendish Drive and the new housing development that is currently under construction. To the north lies agricultural land and open countryside with the remaining surrounding area being characterised by residential development comprising of a mixture of detached, semi-detached and terrace properties. The site itself is roughly rectangular in shape and comprises of a small area of grassland and a mixture of trees of various levels of maturity and condition, scrub and hedgerows.

5. The proposed development would result in the loss of the existing and additional landscaping that has been approved to be retained and delivered as part of the adjacent wider housing development.
6. The site provides a small, landscaped area that creates a gap between the existing properties to the west and those which are currently under construction to the east. The existing landscaping and infilling of this gap would result in an unbroken line of housing along this side of Cavendish Drive. However, visually this would not significantly differ or appear dissimilar to the layout and arrangement of housing elsewhere within the wider housing development. Any visual harm arising from the loss of the existing landscaping would be localised in nature and not extend beyond the immediate environs and would not harm the surrounding open countryside to the north.
7. Furthermore, landscape planting would be carried out as part of the appeal scheme which is consistent with that of the gardens elsewhere along Cavendish Drive and would partially mitigate for that lost. The proposed dwellings themselves are appropriate in terms of their size, scale and use of materials and so, together with the landscape planting, would reflect the character and appearance of the wider area and assimilate well into the wider streetscape. Consequently, whilst the number of dwellings permitted as part of the adjacent housing development is greater than that which was planned for within the DDLP housing allocation, the provision of two additional homes within this gap would be an effective use of land and would not harm or be detrimental to the character of the local and wider landscape or the setting of the settlement.
8. In terms of biodiversity net gain (BNG), the application form indicates the development would be subject to the biodiversity gain condition and so a completed biodiversity metric has been submitted as part of the appeal documentation. This metric indicates that the proposal would lead to a loss of 0.74 units relating to area habitats (91.89% loss) and 0.12 units for hedgerows (49.59% loss) and that these losses consider the projected habitat types that would have been delivered as part of the adjacent housing development. The appellant proposes that these losses would be appropriately compensated for through habitat creation on-site and the purchase of any credits from a local habitat bank and so would not undermine the BNG contribution that has previously been secured as part of that development. Exact details of where or how these losses would be mitigated have not been provided at this stage.
9. The Planning Practice Guidance (Paragraph: 019 Reference ID: 74-019-20240214) indicates that it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met. Therefore, whilst the Council's concerns are noted, issues such as the quantification of the baseline or the location of any off-site gains are matters that can be resolved through the discharge of the mandatory pre-development condition (as imposed by Schedule 7A of the Town and Country Planning Act 1990).
10. In result, sufficient information has been provided at this stage to enable the effects of the development on biodiversity interests to be identified. Although it has not been demonstrated that these losses would be wholly mitigated at this stage, the determination and discharge of the mandatory biodiversity gain condition

provides an appropriate mechanism to ensure the development delivers a minimum 10% BNG. Given this, I am content that the legislative requirements relating to BNG at this stage have been met and that through the discharge of the BNG condition, suitable measures would be capable of being secured to ensure the proposal does not conflict with requirements of Policy PD3 of the DDLP and Policy DES1 of the Ashbourne Neighbourhood Plan 2019-2033 (July 2021) (ANP).

11. Therefore, the proposed development would not harm the character and appearance of the surrounding area with regard to visual appearance, landscaping and biodiversity and so would not conflict with Policies S1, S3, PD3 and PD5 of the DDLP and Policy DES1 of the ANP. Amongst other matters, these seek to ensure developments conserve and where possible enhance the natural and historic environment, including settlements within the plan area; be of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located; does not harm or be detrimental to the character of the local and wider landscape and, where possible, enhance biodiversity.

Other Matters

12. I acknowledge concerns have been raised by interested parties including access and highway safety; effects on local wildlife and the potential for disturbance and noise, inconsiderate parking and damage to roadside verges and the highway associated with construction activities and traffic. The Council raised no concerns in relation to these matters and there is no compelling evidence before me that would lead me to come to a different conclusion. Any effects during the construction period would also be time-limited and could be managed and addressed by means of a planning condition. These concerns do not therefore justify the withholding of planning permission in this instance.

Conditions

13. Both parties provided suggested planning conditions should the appeal be allowed. The suggested conditions proposed by the Council included pre-commencement conditions and the appellant confirmed these would be acceptable. I have considered the suggested conditions against paragraph 57 of the Framework and advice contained in the Planning Practice Guidance and have carried out minor edits to ensure the conditions meet the relevant tests.
14. In addition to the standard time limit condition [1], I have included an approved plans condition [2] in the interests of clarity. Condition [3] is imposed to ensure the use of appropriate materials in the interests of the character and appearance of the area.
15. Condition [4] is imposed to secure a Construction Environmental Management Plan (CEMP) and has been expanded to also require details of the measures to address highway related issues during the construction phase. These requirements reflect those recommended by the Highways Authority and would address concerns raised by interested parties. I have omitted the suggested provisions relating to details of protective fencing, exclusion barriers and warning signs within the CEMP and as these can be addressed within criteria d(ii) and, in relation to trees, are covered by Condition [6]. These are therefore not necessary. Similarly, I have removed the need for details of responsible persons, including an ecological clerk of works, to be provided as this is not necessary given the

provisions of Condition [6]. These details need to be agreed prior to development commencing as it is necessary for these measures to be agreed at the outset of the development in the interests of highway safety, biodiversity and to ensure neighbouring residents are adequately protected from on-site activities.

16. Conditions [5] and [6] are necessary in the interests of biodiversity and to ensure the protection and enhancement measures as recommended within the application documentation are secured.

Conclusion

17. Taking into account the above, I conclude that the proposed development would comply with the development plan when it is considered as a whole.
Consequently, the appeal is allowed, and planning permission should be granted.

M Willis

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall not be carried out other than in accordance with the following plans and subject to the following conditions:

1744-101 Rev No.P1	Site Location Plan dated 25.03.2025
1744-103 Rev No.P3	Site plan as proposed dated 25.03.2025
1744-104 Rev No.P1	Proposed Elevations dated 25.05.2025
1744-105 Rev No.P1	Proposed Floor Plans dated 25.03.25
GLY0167 LP 01A	Landscape Proposals dated 7.4.2025
GLY0167 SP 01	Landscape Specification dated 7.4.2025
3. No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:
 - a) the means of access, location of site compound, on-site storage and parking (including workforce parking), means of loading and unloading of all contractors' plant, equipment, materials and vehicles and associated traffic management measures;
 - b) methods to prevent mud, grit and dirt being carried on to the public highway;
 - c) measures to control the emissions of dust and dirt during construction; and
 - d) information and details relating to the following matters:
 - i. A risk assessment identifying potentially damaging construction activities to ecological and biodiversity features and which identifies "biodiversity protection zones";
 - ii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to ecological and biodiversity features during construction; and
 - iii. The location and timing of sensitive works to avoid harm to biodiversity features and details of the times during construction when specialist ecologists need to be present on site to oversee works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
5. Prior to the installation of external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed external lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to

any sensitive ecological zones/features. The Strategy should comply to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.

6. The development shall be carried out in accordance with recommendations contained within the Arboricultural Impact Assessment & Arboricultural Method Statement (including Tree Protection Plan) (Report reference JH0625CAVENDISH dated June 20205) produced by Outline Trees Arboricultural Consultancy and Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment produced by Eyebright Ecology.

END OF SCHEDULE