



Appeal Decision

Site visit made on 14 January 2026

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/M1005/W/25/3373868

Land off Farnah Green Road, DE56 2UP

- 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 Penny against the decision of Amber Valley Borough Council.
 - The application Ref is AVA/2025/0252.
 - The development proposed is creation of 2 no. detached residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Amber Valley Local Plan 2022-2040 (Emerging LP) is at an advanced stage of preparation and therefore attracts considerable weight in the determination of the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal upon the Derwent Valley Mills World Heritage Site, and
 - Whether the site is suitably located for the development proposed with regard to development plan policies.

Reasons

Derwent Valley Mills World Heritage Site

4. The appeal site is located within the buffer zone of the Derwent Valley Mills World Heritage Site (WHS). The National Planning Policy Framework (Framework) states that World Heritage Sites are of the highest significance and internationally recognised to be of outstanding universal value.
5. The Statement of Outstanding Universal Value for the site is included within the Derwent Valley Mills World Heritage Site Management Plan 2020-2025 (MP). It states that the WHS contains a series of 18th and 19th century cotton mills and an industrial landscape of high historical and technological significance. It occupies a 24km stretch of the Derwent valley, the waters of which provided the power to drive the mills. Much of the landscape setting of the mills and associated industrial communities survives and was much admired in the 18th and 19th centuries. The

buildings developed here were the first of what was to become the model for factories throughout the world in subsequent centuries.

6. To be included on the world heritage list, sites must be of outstanding universal value (OUV) and meet at least one out of ten selection criteria. In this case the WHS meets criterion ii for the following reason: *The Derwent Valley saw the birth of the factory system, when new types of building were erected to house the new technology for spinning cotton developed by Richard Arkwright in the late 18th century.* It also meets criteria iv for the following reason: *In the Derwent Valley for the first time there was large-scale industrial production in a hitherto rural landscape. The need to provide housing and other facilities for workers and managers resulted in the creation of the first modern industrial settlements.*
7. The MP states that its integrity derives from the preserved relationship of the industrial buildings and their dependent urban settlements to the river, its tributaries and the topography of the surrounding rural landscape. In terms of its authenticity, the MP states that this derives from retained industrial buildings, and the overall landscape reflects well its technological, social and economic development and the way the modern factory system developed within this rural area. The significance of the WHS, insofar as is relevant to this appeal, lies in the evidence of the preserved relationship of the 18th and 19th century large scale industrial buildings and dependent settlements within the surrounding rural landscape.
8. Paragraph 220 of the Framework establishes that not all elements of a world heritage site will necessarily contribute to significance. It is therefore important to consider the appeal site in the context of the WHS and whether it currently contributes to the OUV of the WHS.
9. The MP states that this part of the buffer zone encompasses the historic farmland of the Strutts. The appellant's HIA¹ explains that the Strutt family were millowners and benefactors at Belper and Milford who were instrumental to the development of those industrial communities in the late 19th and early 20th century. They also owned outlying farms where they invested heavily in farm buildings, applying model farming techniques.
10. This relates directly to the 5th attribute of OUV as set out in the MP, which refers to a relict industrial landscape where late 18th and early 19th century industrial development may still be seen in an agricultural landscape that contains evidence of other early industrial activity. The MP lists the elements of the WHS that form this and states that some associated attributes and elements lie beyond the boundary of the property. Of those listed, enclosure field boundaries, traditional 18th/19th century field patterns, and pastoral farmland are relevant to the appeal site.
11. The appeal site comprises part of an agricultural field that is separated from the road in a traditional manner by a low stone wall. Beyond the site the field opens to cover a wider area behind other developed plots and provides a direct and readily experienced connection between the small settlement of Farnah Green and the wider agricultural landscape.

¹ August 2025 Heritage Impact Assessment 5507_HIA_V1

12. The historic maps show that some field boundaries have been lost, but the way the surrounding agricultural land extends right into the heart of Farnah Green is an historic arrangement that is maintained. Indeed, from the road, pleasant views across the site can be enjoyed across a wide area, and adjacent development has had little impact on this. Its undeveloped appearance gives the settlement a spacious character and clear agricultural setting.
13. Historic maps suggest that the field has never been built on. There is however a reference to a gravel pit on the 1880 and 1885 maps. There is nothing before me to confirm that this was anything more than a short term use of the site, or even whether the annotation refers to the appeal site rather than the site of the quarry on the other side of the road. Unlike the way that the quarry opposite is represented, there is nothing printed on the map in the vicinity of the appeal site to confirm that the gravel pit was in this area. Even if it did exist here, it may not have been worked for long, and it is notable that the site does not include any undulations or topographical features to suggest that it was previously worked in this way. This annotation does not therefore cause me to come to a different view on how the site should be understood and evaluated.
14. The appellant refers to the fact that the appeal site and the surrounding area is physically and visually separate from the WHS owing to the higher ground to the east. At my visit I could see that this is the case. There are no direct views between the site and the edge of the WHS. However, the setting of a significant and large heritage asset such as the WHS is typically much more extensive than those areas where there is a direct visual link. In this case an appreciation of the wider topographical and landscape setting of the WHS and the way that it is experienced within that setting is relevant and is identified in the attribute of OUV that I have referred to above.
15. This is corroborated by the buffer zone. The information before me suggests that this has been carefully drawn and is formalised within the MP. The MP clarifies that a buffer zone can sometimes exist to protect key views but is also to map a scattering of attributes that are functionally linked to the property, and to give an essential context in which the WHSs OUV can be understood.
16. The appeal site appears to form part of the historic farmland that is referenced as the reason for designating this part of the buffer zone. It relates to some of the elements of the WHS referred to above that form the 5th attribute of its OUV. For these reasons I find that it is an element of the setting of the WHS that positively contributes to the OUV of the WHS as a designated heritage asset.
17. The existing break in development provided by the appeal site is characteristic of the small clusters of houses and dispersed settlements found within the setting of the WHS. It is relevant that development on the west side of Farnah Green Road is sporadic and low density, being largely limited to isolated larger dwellings that are mostly set back from the road. Whereas development on the east side of the road takes the form of a denser arrangement of smaller dwellings that are close to the road and form a more continuous built frontage.
18. The proposal would result in the loss of the open character of the site. It is suggested that the two dwellings would constitute the infilling of a gap in what is otherwise a developed frontage, and there would be some benefit to the completion of the existing linear pattern of development. However, the existing gap

is expansive and sits within a frontage that comprises sporadic and low-density development and does not readily present itself as an infill opportunity. It has value in its undeveloped state, and I cannot see that there would be any benefit to the character or appearance of the settlement, or the wider landscape character, that would arise from the development of the site.

19. The proposal would alter the way that the surrounding farmland intersects with the settlement. The dwellings would be single storey and stand on land that is lower than the road so it would be possible to look over and between the dwellings to the farmland beyond. However, the connection between the settlement and the farmland, and way that it reinforces its dispersed and low-density character would be eroded. Consequently, the proposal would harm a characteristic of the setting of the WHS that contributes to its OUV.
20. In summary, the proposal would harm the OUV of the WHS. It would be contrary to Policy EN29 of the Amber Valley Borough Local Plan 2006 (LP) and Policies NPP1 and NPP3 of the Neighbourhood Plan for Belper Civil Parish 2019-2028 (NP), which together seek to ensure that development proposals preserve or enhance the character and appearance of the WHS.

Location

21. Farnah Green is a small settlement with very limited services and facilities. Saved Policy H5 of the LP provides support for certain development outside the built framework of settlements, and Saved Policy EN1 of the LP provides support for certain development in the countryside. The proposal would not accord with any of the listed development types.
22. Paragraph 232 of the Framework establishes that due weight should be given to Policies that were adopted or made prior to the publication of the Framework according to their degree of consistency with the Framework. The closer the policies in the plan to the policies in the Framework, the greater the weight may be given.
23. Paragraph 82 of the Framework states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. To promote sustainable development in rural areas, Framework Paragraph 83 establishes that housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. Saved Policies H5 and EN1 of the LP are thus inconsistent with the Framework and should be given little weight.
24. The NP for the area is made and thus forms part of the development plan. Policy NPP1 of the NP is split into two parts. The proposal would not accord with the first part as I have already found that it would not protect or conserve the WHS. With regard to the second part of the Policy, it is unclear how the proposal could contribute to the sustainability of the parish as the small settlement of Farnah Green has very limited services and facilities. I will consider this further below.
25. Policy SS3 of the Amber Valley Local Plan 2022-2040 (Emerging LP) sets out the Council's settlement hierarchy. It also establishes that the site is in the

countryside. Policy SS9 of the Emerging LP provides support for certain types of development in the countryside. With regard to whether the proposal would be sustainable development, the glossary refers to social, environmental and economic issues.

26. This aligns with Paragraph 8 of the Framework. In terms of a social objective, the dwellings would relate to a very small settlement with almost no services or facilities to support health, social and cultural well-being. Future residents would be reliant on public transport or the private car to meet their day-to-day needs. It is unlikely that two additional dwellings would improve the viability of new services or facilities that could contribute to the sustainability of the parish. It would not accord with the environmental objective as it would harm the historic environment for the reasons already given. Regarding the economic objective, whilst there would be some economic benefits that would arise from the development, I am not satisfied that this is the right place for the proposal.
27. Therefore, the proposal would not accord with part b) of Policy SS9 of the Emerging LP. As to part c), as existing services in Farnah Green are so limited and the proposal involves the provision of only two dwellings I cannot reasonably conclude that it would improve the viability, accessibility or community value of existing services and facilities. As the proposal would also not accord with part a) or d) it does not benefit from any support from Policy SS9 of the Emerging LP. The proposal would also not receive any support from Policy H3 of the Emerging LP, as it would not accord with any of the permitted development types set out in the Policy.
28. The appellant refers to several other decisions where an assessment of infill has been made. The site is adjacent to other built development and would not appear isolated. However, these matters are not relevant to this main issue, as no provision for acceptable infill development is made in the relevant Policies.
29. The relevant Policies of the NP and Emerging LP do not specifically restrict development that does not comply. However, the role they play in supporting the Council's settlement strategy is clear.
30. In summary, the proposal would not be suitably located for the development proposed with regard to development plan policies. It would not accord with Saved Policies H5 and EN1 of the LP, Policy NPP1 of the NP or Policies SS3 or SS9 of the Emerging LP. Together these seek to manage development in countryside locations.

Planning and Heritage Balances, and Other Matters

31. In terms of the Framework, the harm to the OUV of the WHS would be a low level of less than substantial harm, as it would have only a modest impact on a characteristic of the setting of the WHS that contributes to its OUV, and the impact would be small in terms of the scale of the property. However, the Framework establishes that irrespective of the level of harm great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. The Planning Practice Guidance establishes that properties are inscribed onto the World Heritage List for their OUV which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity.

32. Paragraph 215 of the Framework establishes that any harm should be weighed against the public benefits of the proposal. The proposal would deliver two dwellings that would contribute to the supply of housing in the area. The dwellings would be single storey and would thus provide specialist housing that would be suitable for those who need stair free accommodation. The appellant is a local housebuilder who uses local architects, tradespersons and materials. Thus, as well as the economic benefit that would arise from future occupants accessing local goods and services, economic benefits would also arise during the construction phase.
33. The Emerging LP identifies the need for new housing in Belper and does not provide any allocations. The site is close to Belper and would support this requirement as a windfall scheme. Furthermore, there is an identified need² for dwellings with four or more bedrooms, demonstrating a need for the development.
34. However, whilst these benefits attract weight, the contribution that two dwellings make would be small. I must give great weight to the assets conservation and take into account that world heritage sites are of the highest significance and internationally recognised. In doing this I find that the benefits would not be sufficient to outweigh the harm to the WHS.
35. For the reasons given I have found that the proposal would not be well located or find support from the Policies that facilitate the Council's settlement strategy. Whilst the benefits of the proposal attract weight, they are not sufficient to cause me to come to a different conclusion on the second main issue.
36. The appeal site is within an area Tree Preservation Order. This appears to be a matter that the main parties have overlooked. However, as I am dismissing the appeal for other reasons, it is not a matter that I need to consider further.

Conclusion

37. The proposal would be contrary to the development plan and there are no material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

A Tucker

INSPECTOR

² Amber Valley Local Housing Needs Assessment Addendum Report December 2023