



Appeal Decision

Hearing held on 20 January 2026

Site visit made on 18 January 2026.

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2026

Appeal Ref: APP/M1005/W/25/3371964

Land South of Plains Lane, Blackbrook, Belper, Derbyshire DE56 2DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Wheeldon Brothers Ltd against the decision of Amber Valley Borough Council.
 - The application Ref is AVA/20250073.
 - The development proposed is erection of up to 9 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Having reviewed the evidence, I elected to consider heritage and other matters as written representations. All parties were given additional time to submit further representations in this regard. Housing supply matters only were considered at the oral event.
3. The heritage impact assessment¹ (HIA) states that as the site has a limited visual envelope, it was not considered necessary to consider the setting of the Grade II* listed Dalley and Crossroads Farms. It continues that heritage assets located outside the village are located within their own distinct settings, for which the site does not form a meaningful element.
4. Historic England² states that *the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by ...our understanding of the historic relationship between places*. The HIA acknowledges that these farms have survived as relatively intact relict elements of the industrial zone's agricultural hinterland. It is also apparent that the land around the appeal site formed part of the landholdings associated with those farms. As such, I have included the setting of Crossroads Farmhouse and its listed outbuildings, which is the closest of those two farms to the appeal site, within my main issue.

¹ Heritage Impact Assessment, Wessex Archaeology, August 2025

² The Setting of Heritage Assets, Historic England Planning Note 3 (Second Edition)

5. At the start of the hearing the parties agreed that the Derwent Valley Mills World Heritage Site Management Plan 2020- 2025 (management plan) was acceptable as part of the evidence before me.

Main Issues

6. The main issues are whether the development would have an adverse effect on the Outstanding Universal Value (OUV) of the Derwent Valley Mills World Heritage Site (DVMWHS), and whether the development would preserve the settings of the Grade II* listed Crossroads Farm and its associated Grade II listed ranges³, and the Grade II listed Former Methodist Chapel.

Reasons

The site

7. The appeal site is a large triangular field sited in Blackbrook, within the DVMWHS Buffer Zone. Blackbrook is a little more than a loose collection of largely residential dwellings of varying age, style and finish, arranged in the vicinity of the junctions of Ashbourne Road and Plains Lane, and Ashbourne Road and Longwalls Lane. A ribbon of 20th century development, comprising mainly detached bungalows with roof accommodation runs along the northern side of Plains Lane, away from Ashbourne Road. However, these are set back from the lane and do not dominate their setting.
8. In addition to that ribbon development, built form includes the stone ranges of Chapel Farm, the former methodist chapel, a former smithy, period brick cottages and outbuildings, and 20th century detached dwellings. However, as noted above, the building pattern is irregular and generally dispersed. My overarching impression is that there is a distinct lack of cohesiveness in the building pattern, and no clear focal point.
9. I acknowledge that the ribbon development is an intrusion, as are other small groups of contemporary housing. However, the building pattern as a whole is subordinate to the landscape, and dwellings and other buildings are arranged along the road frontages. Even in the winter the built form appears to be nestled within a pleasant rural setting where views are contained by topography or mature vegetation. There is a distinct rural feel to the area's character and appearance.
10. My reasoning in this regard is supported by the Inspector for an appeal on the adjacent site. This was described as having a *distinctly rural character due to its open undulating landform bound by low hedgerows*.
11. The Belper Neighbourhood Plan (BNP) sets out settlement boundaries. The ribbon development is included within the settlement boundary but the appeal site, on the other side of Plains Lane, is outwith this boundary. The site is not encircled by built form and presents as an integral part of the surrounding countryside.

Derwent Valley Mills World Heritage Site

12. The Statement of OUV for the DVMWHS sets out that the Derwent valley contains a series of 18th and 19th century cotton mills, in what remains an industrial landscape of high historical and technological significance, surrounded by a

³ Farm buildings facing onto road at Crossroads Farm; Western ranges of farm buildings in north-eastern farmyard at Crossroads Farm; Southern range of farm buildings in south-western farmyard at Crossroads Farm.

distinctive rural landscape. This statement reinforces the importance of the relationship between the vestiges of that former industry and its landscape setting.

13. In this regard the DVMWHS demonstrates integrity and authenticity and meets Criteria ii) and iv) of the World Heritage Convention, which are the key pillars of World Heritage Site designation.
14. The rapid establishment of the modern factory system, based on waterpower, required an equally robust development of workers' housing and associated infrastructure. However, when steam power overtook water as the main fuel source, the focus of industry moved elsewhere. Consequently, the main attributes of the cultural landscape and built environment were arrested at a particular point in time.
15. These attributes now contribute to a 'relict landscape', recognised as a feature contributing to the OUV. It is defined as a landscape where late 18th and 19th century industrial development may still be in an 18th and 19th century agricultural landscape containing evidence of other early industrial activity. Elements include enclosure and field boundaries, traditional 18th and 19th century field patterns, ancient woodland, pastoral farmland, pathways and channels, farms and agricultural buildings, and workshops.
16. I conclude that the significance of the DVMWHS is derived from the juxtaposition of innovative industrial 19th built form, and its associated provision for housing and recreation, with its spatial, social and functional relationship with the surrounding rural landscape.

Buffer Zone

17. The DVMWHS Management Plan⁴ (management plan) outlines that the relict landscape is a significant attribute that spills out of the WHS and into the buffer zone, forming the 'green cradle' within which the factory system was established. It also states that the buffer zone includes attributes which are functionally linked to the WHS, notably the relict landscape. It is important that this relict landscape is protected from and not undermined by, spreading urbanisation. The buffer zone *per se* does not have OUV, but it supports and protects the OUV. This gives an essential context in which the OUV can be understood.
18. The management plan states that for the purposes of effective protection of the DVMWHS, the buffer zone has complementary legal and/or customary restrictions placed on its use and development, to give an added layer of protection to the DVMWHS.
19. The management plan also sets out the criteria used to set the buffer zone boundaries. Around Blackbrook, the buffer zone was specifically designed to include the historic farmland of the Strutt family, which included Dalley, Crossroads and Shottlegate Farms. The buffer zone boundary was also informed by Derbyshire County Council's Landscape Character Assessment (LCA).
20. Jebediah Strutt was integral to the development of the Derwent Valley, and he and other family members and associates owned farms and large areas of land. The farm layouts were heavily influenced by the organisational principles deployed by the Strutts in their industrial endeavours. The HIA acknowledges that these farms

⁴ Derwent Valley Mills World Heritage Site, Management Plan, 2020 - 2025

are tangible remains of the early intensification of farming, and that they have survived relatively intact in the industrial zone's agricultural hinterland.

21. The 1839 Hopkins Strutt Estate map shows the site sitting within a predominantly rural landscape. The 1880 map shows a mill pond sited hard against the site's eastern boundary, with a straight channel running alongside the smithy and under Ashbourne Road towards the flour mill. By 1898 the mill pond adjoining the site has been removed, but the channels remain. The 1880 map also shows the stone terrace of modest dwellings located nearby on Ashbourne Road, likely to have been built for local workers.
22. The HIA states that the 1842 tithe map is the first to show the area in any detail. However, this was not supplied. The HIA indicates that part of the appeal site is named as a sawpit and as the land was owned by the Slater family at Holly House Farm, this suggests that the site was part of the Slater family's timber business. Overall, the site and its surrounding land which contains the mill and the smithy, were clearly the focus of organised activity in the area.
23. The field boundaries and the road layout have changed little since the 19th century, and the layout of dispersed buildings relating to this period is still very visible. I appreciate that 20th century development has encroached on the former field's western boundary since the 19th century, to accommodate a cluster of 20th century dwellings, and the site does not in itself contain obvious vestiges of industrial activity. Nonetheless, a relict landscape is a collective of various elements linked by their spatial and functional relationships. The appeal site, which may have seen early industrial or organised rural activity in addition to its use as pasture, forms an integral part of that landscape.
24. I conclude that the appeal site sits within and contributes to the relict landscape. I appreciate that the Inspector for the appeal concerning the adjacent field did not reach the same conclusion, but I have based my reasoning on what is before me.
25. The appellant advances the argument that Blackbrook's piecemeal development precludes its inclusion in a definition of a relict landscape. However, the layout of roads, field boundaries and 19th century residential and industrial built form remains evident, and has informed the location of later piecemeal development rather than being subsumed by it.
26. Even if the appeal site was owned by the Slater family rather than the Strutts, this does not alter the reasoning in the management plan regarding the criteria for setting the boundaries of the buffer zone. Moreover, there appears to have been a close working relationship between the Slater family and the Strutts. In any case, as set out above, the appeal site is one element of the wider relict landscape.
27. The site sits within a landscape that contributes to an understanding of the influence that large local landowners had on the development of the DVMWHS and its buffer zone. It makes a positive contribution to the appreciation of the relict landscape and therefore contributes to the setting, and the significance of the DVMWHS.

Settings of listed buildings

Methodist chapel

28. The chapel is a gritstone structure located at the western end of Plains Lane. It was built on land donated by the Slater family, close to Chapel Farm. When built it was remote from other built form and sat within a pastoral setting.
29. The ribbon development along the northern edge of Plains Lane and the cluster of development opposite the chapel has intruded into the chapel's former pastoral and open setting when approaching from the east. Nonetheless, the remaining proximity of a large open field, together with the informal lane and nearby woodland give a strong indication of its earlier rural context. The chapel's significance is derived from its proximity to the farm, its spatial relationship to adjacent land uses, and its intact historic fabric as well as its association with the Slater family.

Crossroads Farmhouse

30. Crossroads Farmhouse is a very large three storey early 19th century stone farmhouse which presents an impressive albeit somewhat utilitarian principal façade close to the road, at the crossing of roads to Ashbourne and Matlock respectively. Its unusual architecture and construction are thought to indicate that it was built by the Strutt family, who deployed industrial methods in their approach to the organisation of farming operations. To the rear there are series of early 19th century and Grade II listed stone ranges, used as outbuildings.
31. The significance of the farm derives from its intact historic fabric and aesthetic values, its location close to the main route into Belper from the west, and the evidence of innovative building and engineering methods.
32. Although the appeal site was part of Holly House Farm, the land is shown on the Strutt estate maps and the estates maintained an interest in all land within the parish and beyond. Moreover, Samuel Slater, one of the family who owned Holly House Farm, was an apprentice to Jebediah Strutt. The surrounding farmland, including the village Blackbrook has a functional and spatial relationship to the farm, irrespective of whether there is intervisibility or not.

Proposals and effects

DVMWHS

33. The development would introduce significant built form across a large field in a predominantly rural setting. Although this is an application for outline permission with all matters reserved, the evidence states that the dwellings would be as tall as the ribbon development on Plains Lane. As the existing dwellings are on elevated land, the evidence confirms that the dwellings would be two or two and a half storeys high.
34. Although there is no indication of layout, the proposal for a single access indicates that there would be an internal cul de sac. Moreover, the information provided to support the Biodiversity Net Gain (BNG) calculations show that it was based on the premise that there would be nine large dwellings arranged over most of the site. Furthermore, although layout is a reserved matter, the area of land to be dedicated to public open space is one tapering corner of the field. These observations taken together give a strong indication that development would be spread over the site.

35. There would therefore be a significant increase in bulk form and massing across the open field. Individual dwellings would be disproportionately tall and bulky compared to ribbon development on the other side of Plains Lane.
36. The application form states that there would be parking for 27 cars, which also suggests that individual dwellings would be sizeable. This itself would be a significant intrusion and urbanisation, however arranged between the dwellings.
37. The consultation with the highway authority indicates that at least part of the road would need to be widened. This would remove the unmade and informal southern edge to the lane and its original rubble wall field boundary. The combination of residential development and road widening would result in further urbanisation.
38. As such, based on what is before me I conclude that the development would represent a significant addition to the massing, scale and extent of the local building pattern which currently comprises discreet clusters or lines of development fronting roads or field margins. The addition of a building layout based around a cul de sac would also contrast with the underlying development pattern and fundamentally alter the character and appearance of the village.
39. I recognise that this is an outline application. Nonetheless, I have based my reasoning on what is before me with regard to the layout and scale likely to be proposed, in the event that the appeal is allowed.
40. The HIA states that as the site is set back from Ashbourne Road by another field , and is partially lined with mature trees, the impact of the development would be lessened. However, there is nothing before me to indicate that the extents of the buffer zone or its importance in contributing the setting of the DVMWHS are predicated upon visibility from the public domain or intervisibility with the DVMWHS itself. Indeed, the rationale behind the extents of the buffer zone is clearly set out in the management plan. Basing an assessment of the impact of development on visibility is not supported by the DVMWHS Inscription, the rationale behind the OUV or the management plan.
41. The size of the appeal site relative to the size of the entire Buffer Zone is not determinative. Nor does the presence of intrusive residential development elsewhere justify other development. In any case, ICOMOS⁵ has recently raised concerns in relation to the cumulative effects of incremental development in and around Belper, which if not addressed, could threaten the status of the DVMWHS itself.
42. I appreciate that the development would not necessarily contribute to urban coalescence, but it would introduce a notable and incongruous spread of substantial built form adjacent to the existing building pattern.
43. As such, I conclude that the rural hinterland and relict landscape, which is a key characteristic of the buffer zone, and which by definition provides the setting to the DVMWHS, would be weakened and diminished by the development before me. The fundamental rural character of the site and its surroundings would be undermined. This would amount to less than substantial harm. Given the likely scale and extents of the development, I place this harm at the upper end of the spectrum of less than substantial harm.

⁵ International Council on Monuments and Sites

Listed buildings

44. The appeal site makes a partial contribution to the appreciation of the chapel's former remote setting. The development would introduce significant built form into the remaining openness when approaching from the east and would diminish the chapel's setting and thus erode its significance. This would amount to a low degree of less than substantial harm.
45. The development would significantly increase urbanisation in an of historic farmland specifically included in the buffer zone as a consequence of the area's historic links to the Strutt family and their associates. The erosion of that farmland's extents would diminish the setting of Crossroads Farmhouse and its significance. This would amount to a moderate to considerable degree of less than substantial harm.

Heritage balance

46. The development would have an adverse effect on the OUV, as well as the settings of the chapel and the farm and its associated ranges. Paragraph 215 of the Framework sets out that where a development would lead to less than substantial harm, this harm should be weighed against the development's public benefits.
47. Paragraph 212 of the Framework states that when considering the impact of a proposed development on a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance. Although nine dwellings, including one affordable dwelling, would make a moderate contribution to local housing supply, and associated construction and occupation would lead to some economic and social benefits, these combined benefits would not outweigh the harm to the DVMWHS.
48. As such, the development would conflict with BNP Policy NPP1 which requires that development protects and conserves the WHS, and that any harm to the OUV of the DVMWHS is weighed against the public benefits of the proposal. There would also be conflict with NP Policy NPP3 which requires development not to represent an unacceptable harmful intrusion into the landscape setting, and also notes that particular regard is to be paid to the OUV of the DVMWHS and the effect that development may have on landscape characteristics that are of significance to the DVMWHS.
49. Although not cited in the Council's decision, the appeal statement has drawn my attention to criteria e) of BNP Policy NPP1 which is concerned with the scale, density, layout and design of development. On the basis of what is before me, and notwithstanding that this is an outline application, the cul de sac layout, parking requirements and road widening suggest that this would not be a development that reflects existing built character. There would also be conflict with criteria f) that requires layout to maximise opportunities to integrate new development within the existing settlement pattern, not least as the site does not sit within existing settlement boundaries.
50. I acknowledge that the development complies with other limbs of Policy NPP1, but this does not alter my reasoning in respect of the conflict identified above. Nor does it lessen the weight given to that conflict. There would also be conflict with Paragraph 215 of the Framework, as outlined above.

51. I appreciate that the layout could include opportunities for tree and hedge planting, but this would not provide sufficient mitigation for the loss of the open field and the intrusion of substantial built form.

Housing land supply

52. There is a dispute between the main parties with regard to housing land supply. The Inspectors for the emerging Local Plan will not be holding any more hearings, but there is nothing before me to confirm that the plan is near completion or that it will be adopted in March 2026, as the Council hopes. In any case, I have to base my reasoning on the situation before me now.
53. The examinations for the emerging Local Plan have proceeded on the basis set out in Paragraph 234 b) of the Framework, using housing requirement figures that the Council accepts would now fall short.
54. The parties are agreed what the updated housing requirement figures should be, and during the appeal the Council accepted that Long Close, Ripley should be removed from the list of deliverable sites. This reduces housing land supply to 4.95 years.
55. The appellant highlighted a recent appeal decision in South Derbyshire where a discount was applied to the housing supply figures to accommodate unmet need from Derby. Applying a discount in this case would reduce housing land supply to 4.1 years. However, it is not in dispute that the figures being used to inform the emerging local plan are lower than current housing requirements, and at the time of compilation, they reflected housing need calculated according to the relevant guidance. As such, I agree with the Council that however those figures were determined, they form the basis of the emerging plan. I see no reason to make further deductions.
56. The appellant has also raised a query in respect of a dwelling's status when recorded as complete. The Council records completion as eligibility for Council Tax. The appellant notes that there is likely to be a time delay between actual completion and Council Tax registration, and on this basis a further 418 dwellings should be removed from future housing supply.
57. However, the Council is following standard advice from the Ministry with regard to housing completion returns. It does not seem unreasonable for the Council to use the same method for its calculation of future housing in housing supply figures.
58. I appreciate that this delay may mean that at any point in time, completion records are not entirely accurate. However, it does reflect when a dwelling is suitable for habitation. The appellant has raised the argument that completion should be measured when it is substantially complete, but I disagree that this necessarily equates to suitability for habitation, even if the Energy Performance Certificate can be carried out. Nonetheless, although I agree with the Council that these dwellings should remain as future supply, the Council cannot demonstrate five years housing supply. As such the policies within the local development plan to be used in the determination of this appeal carry less than full weight.

Planning obligation

59. I have a completed Unilateral Undertaking (UU) before me. This confirms that the development would include one affordable dwelling or a contribution in lieu, secure

required highway works, provide a contribution to biodiversity works for BNG compliance and to provide a public open space.

60. The public open space appears to be an awkward left-over space towards one corner of the triangular site. There are no details of future management, or any indication of which community group might be prepared to take it on. I agree with the Council that public use of this area could result in pressure to construct structures or boundary treatments that were out of keeping with the surroundings and lead to further urbanisation. Moreover, it is unclear whether this provision is based on any identified local need for allotments or public green space. This carries no weight in favour of the appeal.
61. The BNG and highway works are required for legislative compliance or to make the development acceptable in planning terms. In any case, as I have found harm in relation to the main issue there is no requirement for me to consider the UU further.

Planning balance

62. The development would result in a modest contribution to local housing supply and would include one affordable dwelling or equivalent contribution, with the attendant public benefits as set out above in the heritage balance.
63. Paragraph 11 d) of the Framework states that where the policies which are most important for determining the application are out of date, permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusal. Footnote 7 includes designated heritage assets in its list of assets of particular importance.
64. I have set out above that the development would have an adverse effect on the OUV and the significance of the DVMWHS as well as the settings of listed buildings, and in this regard the Framework gives clear reasons for refusal. Moreover, the provisions of the DVMWHS designation are designed to ensure that protection is not affected by local changes to planning legislation.
65. Given that this is an outline application I have considered whether the imposition of conditions could ensure that my concerns in relation to the DVMWHS and the settings of listed buildings could be lessened to a degree where the planning balance favoured the development. However, given the evidence before me I am satisfied that even applying the 'tilted balance', and a housing supply informed by unmet supply in Derby, the harm to the designated heritage assets would not be outweighed by public benefits.

Other Matters

66. Interested parties have raised other concerns but as I have found harm in relation to the main issue there is no need for me to consider these further.
67. Reference is made in the appeal statement that the development would be free from flooding, but the appeal site boundaries exclude Flood Zones 2 and 3. This carries no weight in favour of the appeal.
68. The appellant has highlighted an appeal where the Inspector recommended that a scheme for housing in the vicinity of Ripon cathedral and a World Heritage Site be granted permission. However, although there were similar issues relating to a lack of housing supply land, the Inspector concluded that the potential impact on the

heritage assets was *extremely limited at most*. The appeal also concerned 390 dwellings. As I have found that there would be considerable harm in relation to the DVMWHS and the appeal is for nine dwellings only, I conclude that the appeals are not comparable. I also recognise that my reasoning for this appeal does not necessarily apply across all parts of the DVMWHS's rural hinterland but that does not alter my conclusions in this case.

Conclusion

69. The development would lead to conflict with the local development plan and the Framework. The development's adverse effects would significantly and demonstrably outweigh its benefits when assessed against policies in the Framework taken as a whole. There are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR

APPEARANCES

Appellant

Bob Wollard	P & DG Planning and Design Group
Dale Radford	P & DG Planning and Design Group
Sean Inglis	Wheeldon Brothers Limited

Council

Matt Bowers	Amber Valley Borough Council
Alan Redwood	Amber Valley Borough Council

Interested Parties

Councillor Bellamy	Belper Town Council
Katy Harris	Belper Town Council