

17/12/2002

Item 1.8**Reg. No.** 9 2002 1038 F**Applicant:**

Mr A Dawson
 The Hill Lodge, Deep Dale Lane
 Barrow-on-trent
 Derby
 DE731NH

Agent:

Tim Foster
 2 Broomfield Cottages
 Morley
 Ilkeston
 Derby
 DE76DN

Proposal: The erection of two storage sheds and a stable block at The Hill Lodge Deep Dale Lane Barrow-on-trent Derby

Ward: Ticknall

Valid Date: 03/10/2002

Site Description

The site is the former lodge to The Hill, situated at the head of the driveway to that property. The application site includes the adjacent paddock. The land rises from the road and the paddock is visible from Sinfin Lane.

Proposal

The application seeks to erect a garden shed in the curtilage of the dwellinghouse close to the roadside boundary hedge and fence. This would measure 8.1 m x 3.3 m x 2.4 m. A storage building in the paddock is also proposed, measuring 7 m x 7 m in an L shape. Its height would be 2.7 m. It would be clad with powder coated metal sheeting.

Applicant's Supporting Information

The applicant states that the development is for purposes incidental to the residential use of the Hill Lodge. The shed in the paddock would be used for the storage of hay and farm equipment.

Site History

Permission to erect a stable in the paddock was granted in 1990 (9/0390/1320/F). Work commenced shortly thereafter and proceeded to floor slab level. The applicant is currently proceeding with the remainder of the works.

Responses to Consultations

The Parish Council objects for the following reasons:

- a) There is concern that a business is being run at the property.
- b) No access is shown. Any access on such a hazardous junction is opposed.

The County Highway Authority has no objection subject to there being no business use.

The Environmental Health Manager has no comment.

Responses to Publicity

The adjoining neighbour objects as follows:

- a) The buildings would be incongruous in the countryside.
- b) Their location would be prominent and harmful to the character of the area.
- c) There would be loss of amenity to the neighbouring property caused by vehicle movements and visual intrusion.
- d) Increased use of the private access would be harmful to highway safety.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4.

Local Plan: Environment Policy 1.

Planning Considerations

The main issues central to the determination of this application are:

- The principle.
- Residential amenity.
- Impact on the character of the countryside.
- Highway safety.

Planning Assessment

The erection of a garden shed and a storage building associated with the management of the paddock would be in accord with the locational policies of the development plan.

The buildings would not have any demonstrable impact on the living conditions of the neighbour. Allegations of business use are being investigated separately. The proposed buildings are of a size commensurate with their stated intended usage.

The building in the garden would have minimal impact on the character of the area, being set close to the boundary fence and hedge. The shed in the paddock would be visible from public vantage points, but because of its small scale would not have a substantial adverse impact on the character of the countryside.

On the advice of the Highway Authority there would be no harm to road safety interests.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. The land within the curtilage of the building(s) hereby permitted shall not be used for the parking of motor vehicles other than private motor vehicles and the building(s) shall not be used for the purposes of trade or business.
3. Reason: To protect the amenities of adjoining properties and the locality generally.

17/12/2002

Item 1.9**Reg. No.** 9 2002 1118 F**Applicant:**

Mr A Woodcock
 9, Fox Close
 Stenson Fields
 Derby
 DE24 3JE

Agent:

Mr M Morris
 74 Church Street
 Denvy Village
 Ripley
 Derbyshire
 DE5 8PH

Proposal: The erection of extension at 9 Fox Close Stenson Fields Derby
Ward: Ticknall

Valid Date: 21/10/2002**Site Description**

The property is a semi-detached house, set well forward of its neighbour at 7 Fox Close.

Proposal

The proposed extension would extend to the side boundary. It would be about 10.2 m from the centre of next door's living room window, measured along a 45° line from the centre of that window.

Responses to Consultations

The Highway Authority has no objection subject to two parking spaces being retained.

Responses to Publicity

The occupier of 7 Fox Close has written to affirm no objection.

Structure/Local Plan Policies

The relevant policies are:
 Local Plan: Housing Policy 13.
 Supplementary Planning Guidance (SPG) Extensions.

Planning Considerations

The main issues central to the determination of this application are:

- Residential amenity.
- Impact on the general character of the area.

Planning Assessment

The supplementary planning guidance on extensions seeks a distance of 12 m from the centre of the neighbour's living room window measured along a 45° line. The proposal achieves about 10.2 m. However the extension would be set to the north of the neighbouring dwelling and thus there would be no material impact on sunlight reaching that property. Furthermore the neighbours are used to living next to a dwelling set well in front of their own and have stated their lack of objection. In these circumstances there is no material harm to the living conditions of the occupiers of 7 Fox Close.

The design of the extension reflects that of the house and there would be no harm to the general character of the area.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.
2. Reason: To safeguard the appearance of the existing building and the locality generally.

17/12/2002

Item 1.10**Reg. No.** 9 2002 1134 U**Applicant:**
Mr & Mrs Holloway
C/O AGENT**Agent:**
Andrew Thomas
Andrew Thomas Planning
2 Wrekin Close
Ashby-De-La-Zouch
Leics
LE65 1EX**Proposal:** Change of use of buildings to workshop/storage/office use (B1 use class) at Blakenhall Farm Caldwell Swadlincote**Ward:** Linton**Valid Date:** 24/10/2002**Site Description**

The site is located in the countryside outside the confines of any serviced villages.

The buildings, the subject of this application, form part of an agricultural holding. They are utilitarian structures but lie in close proximity to other more traditional brick built buildings and close to the former farm house that is in the ownership of another party.

Proposal

The scheme proposes the conversion of two agricultural buildings to uses within Class B1 (light industry) of the Use Classes Order. This use class allows the uses of light industry that should not cause disturbance in either residential or rural areas. The application proposes a driveway to provide access from the road. The proposed track branches off the existing access track to the site and follows a route to the rear of the buildings into the proposed parking area. Creation of this new access would ensure that traffic to the site would not have to pass alongside the former farmhouse.

Planning History

9/2000/0682 – Change of use of redundant farm buildings to workshops/ storage areas. Refused.

9/2001/0328 – Change of use of redundant farm buildings to workshops/offices (B1 Use Class only). Refused following a Committee site visit in May this year.

Applicants' supporting information

The applicants' agent has submitted the following in support of the application:

a. The main reason for refusal of the earlier scheme was that the proposal would result in vehicles visiting the site passing close to the existing residential property known as Blakenhall Farm. The earlier proposal intended to use the existing access through the site which passes close to the farmhouse.

b. This application now envisages the formation of a heavily landscaped access around the perimeter of the site which will divert traffic away from the farmhouse. This access does not exist at the moment and any agricultural traffic needing to access the buildings must, of necessity, pass very close to the farmhouse. Whilst it is considered that the previous application was acceptable, nonetheless, the current proposal would bring an additional benefit in that it would result in an improvement to the living conditions of the residents of the farmhouse.

c. The proposal appears to accord with the relevant policies of the development plan and current national planning policy guidance set out in PPG7. It also appears consistent with the emphasis presently being given to farm diversification projects. The applicants operate a substantial holding and are suffering as a result of the decline in agriculture along with the majority of other farmers in the area. The project, if approved, would provide a source of additional income which would help sustain the applicants' existing farming activities.

Responses to Consultations

The Environment Agency objects to the proposal stating that the scale of the proposal is in excess of what would normally be serviced by a septic tank. The objection would be overcome if the applicants were to use a package treatment plant. Subject to that matter being overcome the Agency has no objection to the proposal subject to conditions.

Responses to Publicity

A letter of objection has been submitted from the only close neighbour to the property that makes the following points:

- (i) the proposal would involve removal of a large section of hedgerow,
- (ii) the access is very poor and dangerous onto a blind corner on the country lane,
- (iii) the buildings in question are not redundant,
- (iv) the scheme will result in increased commercial traffic through small villages and country lanes,
- (v) there is no public transport to the site or area, increasing vehicular use by the tenant and clients,
- (vi) there are extensive commercial workshops available and to let in Burton, Swadlincote and the surrounding areas,
- (vii) the scheme will result in the destruction of a beautiful rural aspect and associated countryside,
- (viii) noise and environment issues,
- (ix) security and safety, small children at play,
- (x) no drainage, causing flooding to the adjoining property already,
- (xi) potential of damage to the existing old farm house building foundations,
- (xii) vague planning application in relation to working hours and amount of traffic activity and details of the final usage,
- (xiii) planting scheme blocks views and sunlight penetration to garden of adjoining dwelling.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1, General Development Strategy Policy 4 and Economy Policy 5.

Local Plan: Environment Policy 1 and Employment Policy 4.

Planning Considerations

The main issues central to the determination of this application are:

- The principle of the development with regard to the provisions of the development plan,
- The affect of the development on the character and appearance of the area,
- The impact of the development on the amenities of the residential neighbours, and,
- Highway safety

Planning Assessment

The site is in the open countryside, where new development is strictly controlled. However, the development plan does allow for the re-use of buildings for industrial purposes in the countryside. Therefore, on balance, the principle of this development is acceptable. The application is for light industrial uses only and such uses should be capable of being carried out in a rural location without detrimental impact on the character or amenity of an area.

A single residential unit is located close to the site. However, the site could still be lawfully used for intensive agricultural operations which could have a significant impact on the amenity of the occupier of the farmhouse. The proposed use should not have an adverse impact on the amenity of the occupiers of the dwelling because B1 light industrial uses are by nature uses which can be carried out in a residential area.

The previous scheme may have resulted in some impact on the amenity of the occupiers of the farmhouse due to the fact that access to the site would have passed close to the dwelling. The current scheme proposes a new access drive to the site through the adjoining field. This access would encroach slightly into the countryside although this is not considered to be significant enough to warrant refusal of the scheme. In addition, the applicants propose a belt of landscaping around the edge of the site which would screen both the proposed access track and the existing buildings, thereby improving the visual amenity of the area. The provision of the access track overcomes the reason for refusal of the previous scheme which was concerned with disturbance from traffic passing close to the farmhouse. The development is therefore now considered acceptable.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. There shall be no goods or materials stored in the open within the site. All materials, plant and machinery shall be stored within the buildings that occupy the site.
2. Reason: In the interests of the amenity of the area.
3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Article 3 and Part 3 of the Town and Country Planning (General Permitted Development) Order 1995, this permission shall relate to the use of the premises for uses within Use Class B1 of the Town and Country Planning (Use Classes) Order 1987 as described in your application and for no other purpose.
3. Reason: In order that the Local Planning Authority may retain control over the future use of the premises and in the interests of the amenity of the area.
4. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times nor at any time on Sundays, Bank or Public Holidays: 08:00 to 17:00 hours.
4. Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.
5. No work shall take place outside of the buildings.
5. Reason: In the interests of the amenity of the area.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. Reason: In the interests of the appearance of the area.
7. Prior to the development hereby approved commencing details of how the buildings are to be sound insulated shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be fully implemented prior to the first use of the building to which it relates and be maintained as such thereafter.
7. Reason: In the interests of the residential amenity of the area.
8. Prior to the first use of the premises hereby granted consent, a 4.5m by 160m visibility sightline shall be provided to the south east of the junction with the Cauldwell Road. The land in advance of the sightline shall then be maintained free of obstructions exceeding one metre in height relative to road level.
8. Reason: In the interests of highway safety.
9. In the first planting season following the formation of the visibility splay at the access, a new hedgerow including appropriate hedgerow trees shall be planted behind the visibility

sight line required under Condition 8 in accordance with a planting and maintenance schedule which shall have received the prior written approval of the Local Planning Authority. The hedgerow shall be maintained in accordance with the approved maintenance schedule.

9. Reason: In the interest of the amenity and rural character of the area.
10. No work shall take place on the site until details of a scheme for the disposal of foul water to a private treatment plant have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
10. Reason: In the interests of pollution control.
11. Any tanks for the storage of oils, fuels or chemicals, hereby approved, shall be sited on impervious bases and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents or gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and be protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards into the bund.
11. Reason: In the interests of pollution control.
12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
12. Reason: In the interests of pollution control.
13. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
13. Reason: In the interests of the appearance of the area.

Informatives:

To note and act upon as necessary the comments of the Coal Authority (see attached letter).

Item **1.11**

Reg. No. **9 2002 1150 R**

Applicant:

Roger Bullivant Limited
Walton Road
Drakelow
Burton-on-trent
Staffordshire
DE15 9UA

Agent:

Roger Bullivant Limited
Walton Road
Drakelow
Burton-on-trent
Staffordshire
DE15 9UA

Proposal: **The variation of condition 2 of planning permission 9/0498/0045/F and the variation of condition 1 of planning permission 9/0298/0924/F at Roger Bullivant Ltd Walton Road Drakelow Burton-on-trent**

Ward: **Walton**

Valid Date: **29/10/2002**

Site Description

The application site is two office buildings located in the north-eastern corner of the Bullivant's compound. The buildings are screened from view from the Walton Road direction by the existing production buildings and are viewed against the backdrop of these buildings from dwellings to the north of the site.

Proposal

The Applicants seek consent to vary conditions of planning approvals 9/0498/0045 and 9/0298/0924 that allowed the erection and retention of the two office buildings. The permissions required that the buildings were clad in brickwork and the roofs sheeted within 12 months of the date of the above consents. This work was not carried out and in 2000 the time limit was extended until 2003. The application now being considered is for the variation of the conditions to remove the requirement for brick skinning and instead have a condition which obliges the Applicant to maintain the existing dark green painting scheme.

Planning History

9/0298/0924/F Approval granted for the retention of a two storey office block and erection of a link block.

9/0498/0045/F Approval granted for the erection of a two storey office block

9/2000/0028/R Approval granted for the variation of condition 2 of planning permission

9/0498/0045 and condition 1 of 9/0298/0924 to permit an extended time limit of three years for the of the brick skin on the office buildings.

Applicants' supporting information

The original permissions contemplated a link between the two office blocks and the brick skinning of the whole, or of the two buildings in isolation. Following the variation in 2000 the Company complied with the condition to paint the buildings using an olive green colour to match the other buildings on the site.

The Company has no immediate plans to build the link office building. Moreover there is the possibility that to make the offices permanent by brick skinning them in their present location may fetter the business' ability to adjust its production practices by re-siting buildings.

Moreover, having painted the offices, they are much less visually intrusive than if they were brick clad. However, the Company is mindful to ensure that this benefit continues and therefore applies to vary the conditions by removing the obligation to brick skin the offices but replace it with an obligation to maintain the existing painting scheme. In any event the Company will decorate the external elevations of the offices every 4 years.

Responses to Consultations

None received.

Responses to Publicity

None received.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Employment Policy 1.

Joint Structure Plan: Economy Policy 4.

Planning Considerations

The main issue central to the determination of this application is whether the non compliance with the conditions adversely affects the character and appearance of the area.

Planning Assessment

The reasons that the permissions for the buildings were originally conditioned requiring brick skinning were 'In the interests of the appearance of the area' in one case and 'No details have been submitted' in the other.

It would seem that at that time the appearance of the unclad buildings, being of a temporary character and appearance, gave cause for concern. Since then further buildings have been permitted and they have not been required to be brick skinned. In addition the dark olive green colour that the buildings which are the subject of this application have been painted matches that of other buildings on the site. It is considered that the buildings may appear more prominent on the site if the brick skinning were to go ahead, the dark green colour is considered to minimise the visual intrusion of the buildings in this rural location.

Recommendation

GRANT permission subject to the following conditions:

1. The external elevations of the two buildings shall be painted every four years in accordance with a timetable, colour and specification which shall have been agreed in writing by the Local Planning Authority before 1st January 2004.
1. Reason: In the interests of the visual amenities of the area.

17/12/2002

Item 1.12**Reg. No.** 9 2002 1161 U**Applicant:**

Central Town Properties Ltd
 C/O Manning And Co
 118 Seymour Place
 London
 W1H 1NP

Agent:

Calder Colbourne & Dixon Limited
 1 Victoria Road
 Tamworth
 Staffordshire
 B79 7HL

Proposal: The change of use from ground floor retail to class A3 (hot food use) and storage to remain on the first floor at 3 West Street Swadlincote

Ward: Swadlincote

Valid Date: 01/11/2002

Site Description

The application site is a vacant shop unit located within the primary shopping frontage and Conservation Area. The units surrounding the site are predominantly in A1 retail usage.

Proposal

The application is for the change of use of the ground floor from a class A1 (retail) use to a class A3 (hot food) use and for a storage use to remain on the first floor.

Applicants' supporting information

The Applicant states that the premises have been left for some three months or more and have received a poor response for the existing retail and storage use hence the reason for submitting the application.

Responses to Consultations

None received.

Responses to Publicity

Twelve letters of representation have been received, mostly from other hot food traders in the town centre. The letters raise the following issues: -

- There are already too many hot food establishments in Swadlincote and existing traders are struggling to survive.

- There is not enough variety of other retail shops in the town centre so people have to shop elsewhere.
- Planning permission was granted for another A3 use in the town centre about a year ago and that establishment has already shut down proving there is no demand for this use.

Structure/Local Plan Policies

The relevant policies are:

Draft Local Plan: Shopping Policy S3.

Planning Considerations

The main issue central to the determination of this application is whether the loss of a retail unit in the town centre to a non-retail use will significantly undermine the retail function of the town centre.

Planning Assessment

There is no policy in the current Local Plan that requires the retention of retail uses in the town centre. Policy S3 in the Draft Local Plan is concerned with changes of use in primary shopping frontages in Swadlincote town centre and states that changes of use to Class A3 will only be permitted where the proposed use would not undermine the retail function of the town centre. The commentary to the Policy states that there is a need to maintain a core of retail activity in the town centre and that 70% of the units within any section (street block frontage) of the primary frontage should be A1 units. The majority of the units in the street frontage surrounding the application site are in A1 usage and the proposed change of use would therefore not adversely affect the retail function of this part of the town centre.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. Before the first use of any proposed food business, a scheme for the minimisation of emissions of cooking odour from the premises shall be submitted and agreed in writing by the Local Planning Authority.
2. To protect the amenities of the adjoining properties and the area generally.

Informatives:

The following outlines the items that the Environmental Health Department considers should be included in the scheme required by condition 2 above:

- i. An extraction flue system should be installed which draws air from above the cooking area by use of a canopy and extraction fan. This air should pass through, as a minimum, a grease filter (to remove the grease component of the emissions), a pre-filter (to remove any remaining fine particles from the emissions) and a carbon filter (to remove the odour component from the

emissions). These filters should be cleaned or changed for new as per the manufacturer's guidelines (normally at least every 6 months).

ii. The flue discharge should be at least one metre above eaves level and should incorporate a Venturi type outlet.

iii. Details should be provided for anticipated noise emissions from the extractor fan and breakout noise from the ductwork.

17/12/2002

Item 1.13**Reg. No.** 9 2002 1187 F**Applicant:**

Mr Mrs J Walton
 Clematis Cottage, Willow Pit Lane
 Hilton
 Derby
 DE655FN

Agent:

Mr J Miles
 Sunuser Limited
 157 Buslingthorpe Lane
 Leeds
 LS7 2DQ

Proposal: The installation of five 1.3 metre square surface area solar collectors, two on the front roof slope and three on the rear at Clematis Cottage Willow Pit Lane Hilton Derby

Ward: Hilton

Valid Date: 07/11/2002

Site Description

The site forms part of a complex of farmhouse, workers cottage, and converted outbuildings. This dwelling is the extended workers cottage and is in the ownership of Councillor Mrs Walton.

Proposal

The proposal is self-explanatory and the panels would be sited on each roof slope to take maximum advantage of sunlight. There is no physical alteration to the roof structure, the tiles remain intact with the panels fixed to the roof by means of brackets.

Applicants' supporting information

The agents have drawn attention to various planning decisions in other parts of the country where panels such as this have been permitted subject only to time limits to commence the development.

Planning History

The extension to the worker's cottage was permitted in the early 1990's along with the conversion of the outbuildings to residential use.

Responses to Consultations

Hilton Parish Council has no objection. It is confirmed that neither Mr & Mrs Walton had a part in reaching this decision as they declared an interest.

Structure/Local Plan Policies

There are no relevant policies.

Planning Considerations

The main issues central to the determination of this application are:

- The impact of the panels on the character and appearance of the roof in this countryside location.

Planning Assessment

The reason this requires planning permission is that the proposals represent a material alteration to the roof of the dwelling. Thus, it is not permitted development. The overall height of the panels above the roof is not significant and when the panels reach the end of their useful life, the roof could easily be restored to its original condition. The proposal is therefore considered acceptable.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.

PART 2 - APPEALS

APPEAL DISMISSED

Appeal by Mr Mrs Thorpe

The conversion into a dwelling together with the provision of associated garden area and vehicular access of Old Pumphouse Mill Lane Scropton Derby (9/2002/0018)

The application was refused permission for the following reasons:

1. The application is unacceptable as the building, the subject of this application, is located in the open countryside outside the confines of a sustainable settlement. The conversion of the building for residential purposes would result in the creation of a dwelling house that would only be accessible by means of private transport and it would as a result be unsustainable and contrary to General Development Strategy Policy 1 of the adopted Derby and Derbyshire Structure Plan
2. The application is unacceptable as it represents development in the countryside outside the confines of a sustainable settlement. No operational need for the dwelling has been established and the proposal would, therefore, be contrary to General Development Strategy Policy 4 and Housing Policy 6 of the Derby and Derbyshire Joint Structure Plan and Environment Policy 1 of the South Derbyshire Local Plan which seek to prevent unnecessary development in the countryside.
3. The application is unacceptable as it would result in the conversion of a building in the countryside which does not contribute to the character of the area, would result in the formation of a residential dwelling unit and which would require alterations and new building that would significantly alter its appearance. The proposal would, therefore be contrary to General Development Strategy Policy 4 and Housing Policy 6 of the Derby and Derbyshire Joint Structure Plan and Housing Policy 7 of the South Derbyshire Local Plan.
4. The proposed development would be contrary to the Environment Agency's Principles of Floodplain Protection, paragraph 2.2 and policy FD-P6. A grant of planning permission would result in the loss of the opportunity to restore the natural flood plain of the River Dove at a location where flooding is a problem and existing flood defences have historically been overtopped, most recently in November 2000.

An appeal has been determined through the Informal Hearing procedure. The Inspector identified that the main issues were the effect of the proposals on the character of the area, the reuse of a previously used building and land and the implications for the floodplain.

On the first issue he found that the building had a very functional, utilitarian appearance that reflects the historical use of the land in much the same way as the locomotive shed did on another part of the site. He felt that he proposed conversion would not be in keeping with the building but felt that there may be a way of doing a conversion that would retain its functional appearance. He concluded that the amount of curtilage identified in the appeal documents would have an adverse impact on the character of the area.

The reuse of the building from a sustainability point of view would be acceptable as the land is clearly brownfield and the building is capable of reuse. The arguments in Planning Policy Guidance Note 3 regarding the naturalisation of land to a greenfield state and not to sites such as this. Of the alternative uses of employment and tourism, the inspector dismisses the employment use but felt that the tourism use of the building had not been fully explored. An objective audit would be required before the residential use of the building could be considered.

The inspector was not persuaded that there would be a realistic or practical prospect of restoring the floodplain to the River Dove and that the floodplain would not be prejudiced by the appeal proposal.

Whilst the Inspector went on to dismiss the appeal the overall conclusions reached would suggest that some form of development of the building would be acceptable subject to the audit of tourism uses and the redesign of the method of conversion.