

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals.

Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

25/10/2005

Item 2.1**Reg. No.** 9/2005/0802/U**Applicant:**Mr W McCain
C/O Philip Brown Associates**Agent:**Philip Brown Associates
74 Park Road
Rugby
CV21 2QX**Proposal:** The formation of a residential caravan site for one gypsy family including new access hardstanding and landscaping on Land To The East Of 180 Linton Heath Linton Swadlincote**Ward:** Linton**Valid Date:** 05/07/2005**Site Description**

The application site comprises vacant land outside the settlement of Linton. The site is overgrown. It is enclosed to both sides and there is a well established mature hedge to the front boundary.

Proposal

The application is for use of the land as a gypsy caravan site for two residential static caravans for occupation by the applicant and his family (two adults and three children – two at present and one due in approximately four weeks). A new vehicular access would be formed together with a hardstanding for turning and parking of vehicles.

It is commonly recognised that a pitch for a gypsy family would contain up to two caravans and associated vehicles, it is further well documented that each pitch should be of sufficient size to make provision for additional equipment/storage as gypsies are self employed and would normally transport the tools of their work with them from place to place. In this respect the applicant has been requested to provide additional information relating to the needs of the family the response to which is set out below.

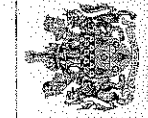
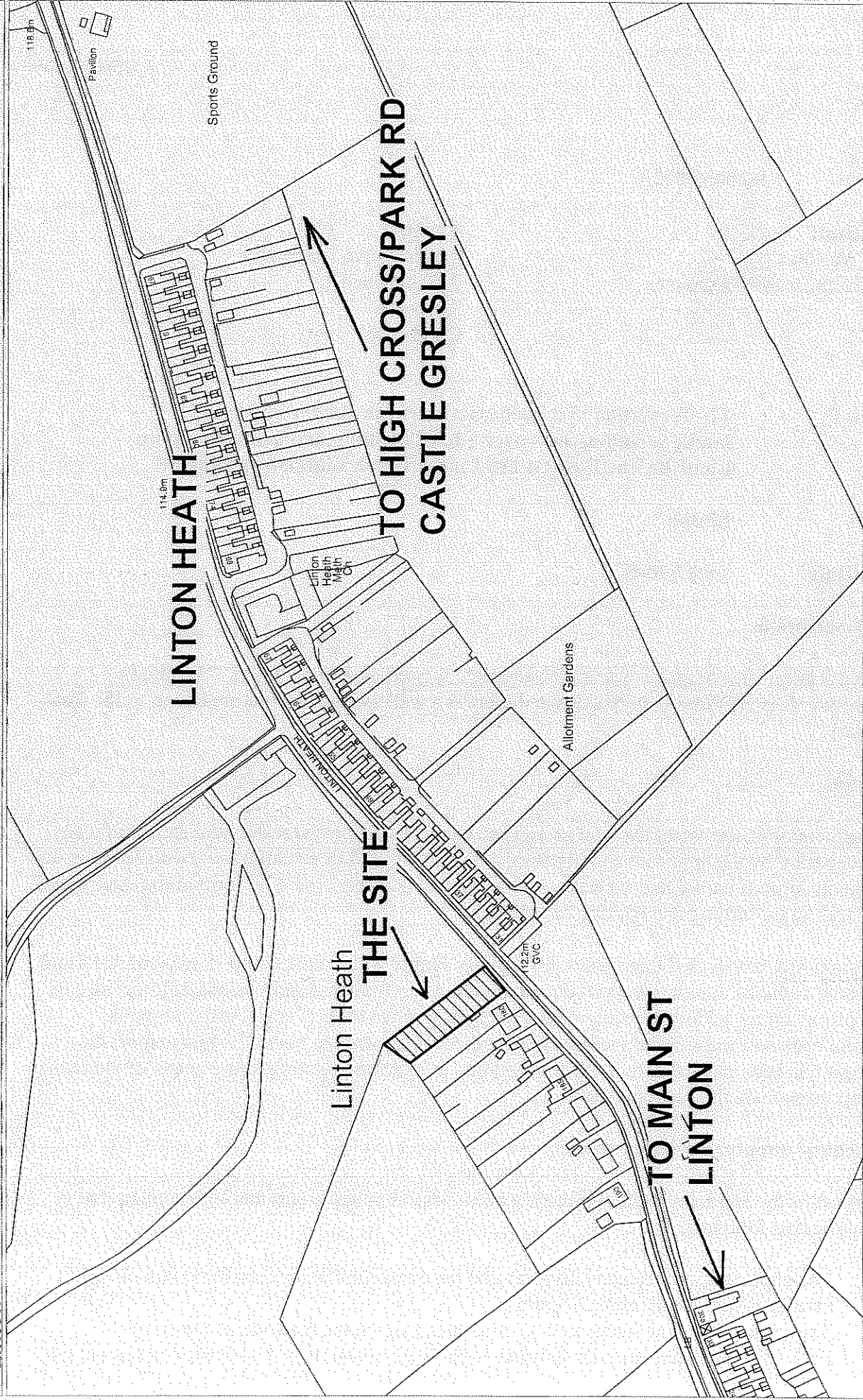
Applicants' supporting information

In support of the application the applicant's agent has submitted additional information that is summarised as follows:

- The applicants are Romany Gypsies and have travelled in the area for seven or eight months a year for the past 20 years
- They usually stop at Overseal but sometimes stop on the roadside as the site at Lullington does not cater for families with children and the site at Foston is always full.

9/2005/0802/U Land to the east of 180 Linton Heath

Linton



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DISTRICT COUNCIL
CIVIC OFFICES
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SWADLINCOTE DE11 0AH

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Date Plotted 14/10/2005
Scale 1:2500

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- They have been searching for a site for the past 13 years and this site would accommodate two 7.6m (25 ft) touring vans; one of which would be connected to the main sewer
- They are related to the owner of the mobile home site at Park Road, Overseal
- Mr McCain works as a UPVC fitter mainly in the Derbyshire/Nottinghamshire area and he also attends many traditional horse fairs
- The base is required so that the children can attend school and so that Mrs McCain can be assisted with the children by her family that live close-by
- The site lies on the edge of the settlement close to services
- It is relatively small and well contained
- There will be no commercial activity on the site other than overnight parking of a transit van
- There will be no livestock kept on site

In response to a request to supply evidence of site searching, it is stated that as the applicant believes the site complies with local and national criteria for site selection it should be judged accordingly and evidence of a search for alternative sites is not necessary.

Planning History

9/888/475 - Residential development – Refused – appeal dismissed

9/688/288 – Erection of one dwelling – Refused

Responses to Consultations

The County Highways Authority states that the proposed access would be onto a section of classified road that is subject to a 30mph speed limit, visibility sightlines of 2m x 90m are required. At the proposed access the required sightline can be provided in a south westerly direction but in the north easterly direction visibility is obstructed by the boundary hedge of the adjacent field which is neither within the control of the applicant or forms part of the highway. It therefore recommends refusal of the application.

Linton Parish Council strongly objects to the proposal for the following reasons:

- Caravans would be unsightly at the entrance to the village
- Would set a precedent.

Severn Trent Water has no objection subject to a condition requiring agreement of means of disposal of both surface water and foul water

The Woodland Trust consider that there is unlikely to be any significant impact on the woodland but request that if the Council is minded to approve the application the mature hedgerow on the north eastern boundary is not damaged either during construction or in subsequent occupation. It recommends that guidance provided in BS5837 should be included as a condition of the decision.

The Pollution Control Officer has no comments

Responses to Publicity

13 individual letters of objection have been received together with a petition of 137 signatories. The following objections have been raised:

- Contrary to policy
- Not in keeping with the village or the National Forest
- Out of character with the street scene
- Potential expansion to the applicant's extended family
- A gypsy site exists some 300 yds away at Park road, Overseal
- There are already five sites in the locality
- Noise, disturbance and health issues from the keeping of dogs
- Noise from children
- Noise, disturbance and pollution from additional traffic
- Dangers to road safety due to site being on a bend
- Linton Heath is already congested
- Loss of hedgerow to provide access
- Loss of countryside
- Detrimental to wildlife
- Would detract from the natural beauty of the area
- Inadequate water supply and no electricity on site
- Odours from sewage
- Would restrict access by emergency services to the forest
- Previous applications were refused
- Loss of privacy
- Devalue property
- Fear of increased crime

RSS/Structure/Local Plan policies

The relevant policies are:

RSS8: N/A

Derby and Derbyshire Joint Structure Plan: General development Strategy Policy 4, Housing Policy 8, Transport Policy 4

Adopted Local Plan: Environment Policy 1, Housing Policy 8, Housing Policy 15, Transport Policy 6.

National Guidance/Policy

Circular 1/94 - Gypsy Sites and Planning – promotes the encouragement of Gypsies to provide their own sites and sets out its intentions that are summarised as:

- to recognise the need for accommodation consistent with gypsies nomadic lifestyle;
- to reflect the importance of the plan-led nature of the planning system in relation to gypsy site provision; and
- to withdraw previous guidance indicating that gypsy sites may be acceptable in protected areas including Green Belts.

The Circular provides advice in relation to the preparation of development plans, the provision and location of sites and covers a range of detailed issues such as enforcement and appropriate conditions. This Circular is currently being re-assessed and a Consultation Paper – Planning for Gypsy and Traveller Sites - was published by The Office of the Deputy Prime Minister in December 2004. The Consultation Paper sets out its intentions as:

- To increase significantly the number of Gypsy and Traveller sites with planning permission in order to address under-provision;

- To recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers;
- To identify and make provision for the resultant land and accommodation requirements;
- To help or avoid Gypsies and Travellers becoming unintentionally homeless;
- To reflect the status of Gypsy and Traveller accommodation as part of wider housing provision;
- To create and support sustainable, integrated communities where Gypsies and Travellers have quality of access to suitable accommodation, education, health and welfare provision, and where there is mutual respect between all communities for the rights and responsibilities of each community and individual;
- To promote more private Gypsy and Traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites;
- To underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- To ensure that DPD's include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively; and
- To reduce the number of authorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular.

Other guidance is available in:

- The Good Practice guide entitled "Managing Unauthorised Camping", issued jointly by the Home Office and DETR, that advised local authorities to build planning aspects into their overall Traveller strategy and avoid setting criteria that, in practice, might prove too difficult to meet. The Housing Research concluded that site provision is an essential corollary to tackling unauthorised encampments.
- Guidance on homelessness from the DETR advises that homeless Travellers should be treated equally with homeless members of the settled population, without removing their freedom to live outside conventional housing if they should so wish. It reminds local authorities that they have statutory duties to travelling people under homelessness and other legislation.
- The Housing Act 2004 requires local authorities to take account of the accommodation needs of Gypsies and Travellers and to create strategies for meeting those needs in the same way as they do for the settled community.

Planning Considerations

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

- Government advice for the provision of gypsy sites and the weight to be attached to it
- Conformity with the Development Plan
- The need for additional gypsy caravan pitches in the area
- The impact of the development on the character and appearance of the area
- Access and highway safety

Planning Assessment

The application site lies in the countryside within which Planning Policy Statement 7 and Development Plan policies seek to strictly control new building away from settlements.

However, a draft replacement of Circular 1/94 was published in December 2004 as set out in the policy section above. It specifically seeks to increase the supply in the provision of sites for Gypsies and Travellers to address a national shortfall - including in rural areas. Whilst the guidance is still in draft form only, it is a material consideration in determining planning applications and appeals.

Under the revised guidance, local authorities will be required to rigorously assess the accommodation needs of Gypsies and Travellers and make site specific allocations for new public and private sites in development plans.

In dealing with planning applications in the meantime, local planning authorities will necessarily have to rely upon existing criteria-based policies and estimate "need" on the basis of existing data suggested in the draft Circular. These include incidents of unauthorised encampments, the status of existing authorised private sites, the number and outcomes of planning applications, the levels of occupancy on private and public sites and the twice yearly caravan counts undertaken on behalf of ODPM. Local planning authorities will be expected to demonstrate that they have considered such information before any decision to refuse an application and provide it as part of any appeal documentation.

To summarise, therefore, the development or extension of gypsy sites in the countryside such as the current application is inappropriate unless, firstly, available data demonstrates that a need for such accommodation exists which cannot be met on any existing sites, and secondly the proposal is acceptable in other planning respects. These considerations are examined in detail below:

Need

In common with many other parts of the country, there has been no comprehensive needs assessment undertaken in South Derbyshire although initial work to undertake such a study on a county-wide basis is underway. However, this Council already maintains reasonable records on much of the information specified in the draft Circular as follows.

A report was commissioned from KGS in 2004 that sought to establish the welfare needs of Gypsies and Travellers who are already based in South Derbyshire. It identified that the community was generally satisfied with the sites where interviews took place but also established that the site at Park Road, Overseal is not available to the travelling community. It also showed that the turnover at the well-established sites was very small because, once based in the area, its attractiveness, low crime rates and other factors make staying in South Derbyshire a priority. The respondents generally had no conflict with the resident community and the majority had been in their existing site in excess of one year, 35% having been in residence for over 5 years.

Caravan counts undertaken by this Council on behalf of ODPM show that unauthorised encampments in South Derbyshire are skewed towards the northern part of the District – particularly the Hilton and Hatton areas. At the time of writing the available data relates to the period March 2004 – 05 and during this time three incidents of unauthorised encampments

occurred involving a total of 10 caravans in the Swadlincote and Linton areas. It appears that overall, the number of unauthorised encampments has reduced in recent years.

Existing public sites at Church Broughton and Lullington continue to be generally fully occupied with turnover of plots being relatively rare. Although the latter is relatively close to the application site, it offers short stay accommodation only and is in any case full. There is a further caravan site at Park Road, Overseal that was originally allowed as a gypsy caravan site but was unrestricted in terms of occupants and over the years it has become occupied by non-travellers. That is not to say that in planning terms it appears that gypsies would be restricted from occupying the site if they wished to do so and since the applicant's family has control of the site it would appear that this family's need could be met when a pitch becomes available at that site. In response to this question the applicant's agent has advised that no pitch has become available in the last four years.

Planning permissions for small private sites have been granted recently at Walton on Trent and Overseal.

In conclusion on the issue of need, whilst there is no overwhelming pressure, there appears to be some degree of unmet demand in this part of the District. Moreover, the applicant has described a specific need in this case arising from his immediate family. Whilst there are no alternative sites – either public or private - in this part of the district where any additional need can currently be met as described above there may be the potential for space to become available on land within the applicant's family's control.

Other Planning Considerations

Adopted Local Plan Housing Policy H15 reflects Structure Plan guidance and forms the main basis for assessing the application. It contains six criteria that require:

1. New gypsy sites be in an area already frequented by gypsies
2. A satisfactory location in relation to other development
3. The site is acceptable in environmental terms
4. The site is reasonably accessible to community services and facilities
5. Sympathetic assimilation into the landscape
6. An acceptable vehicular and pedestrian access can be provided

Taking these in turn, this is an area already frequented by Gypsies at Lullington Crossroads. As to neighbouring land uses in environmental and landscape terms, the site lies on the edge of existing ribbon development. It is at present well screened from viewpoints along Linton Heath but in order to provide the access removal of a section of the frontage hedge would be required. Furthermore, the existing character of development in the locality comprises traditional dwellings set in within conventional plots. That is to say houses alongside the application site have front and rear gardens whilst older properties opposite the site follow a pattern of back edge of pavement housing again with rear gardens. By contrast the proposal would result in the caravans being sited to the rear of the line of properties adjacent to the site. This would have the potential to result in noise and disturbance and loss of privacy for occupants of nearby dwellings to the detriment of their amenity. As to the wider locality, the topography is such that the site screened by hedgerows to both sides and the overall visual impact is limited.

In terms of sustainability, the site lies near the edge of the village boundary for Linton and the closest day-to-day facility within easy reach of the site is the primary school at around 550m away.

The Post Office is a further 230m, other shops are in the village centre and bus services pass the site. Medical and secondary school provision further a field in Overseal and Swadlincote. The site is therefore relatively very well related to essential facilities. Furthermore, the draft Circular advises that local authorities should be realistic about the availability of alternatives to the car in accessing local services in rural areas. Given the overall scale of the proposal and the presence of some local facilities, it is considered that it would be difficult to sustain a refusal on the basis of accessibility to services.

Even with the removal of the hedgerow to the site frontage there would be inadequate visibility and the final criterion cannot be achieved as a satisfactory access cannot be provided.

Conclusion

Whilst the proposed development accords with the many of the criteria in adopted Derby and Derbyshire Joint Structure Plan Housing Policy 8: Gypsies and Travellers, there would be visual intrusion as a result of the loss of the frontage hedge and the positive factors are negated by the concerns of the County Highway Authority on detriment to highway safety. In view of the above, the proposed development does not accord with adopted Joint Structure Plan Transport Policy 4: Land Use and Transport and Transport Policy 6 of the Local Plan which state that provision will be made for safe and convenient access. Furthermore, the proposed development does not accord with criteria 2 and 6 of Housing Policy H15 in the Local Plan which require a satisfactory location in relation to other development and good access to the main road network without causing unacceptable traffic or road safety problems.

In conclusion, a family need appears to exist in this particular case but provision of a caravan site on the entrance to the village would result in an unacceptable access the formation of which would lead to the loss of the hedgerow across the site frontage. Furthermore, the formation of a caravan site as set out in the application would be likely to result in loss of amenity to occupants of nearby dwellings.

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

Refuse permission for the following reasons:

1. Transport Policy 6 of the adopted South Derbyshire Local Plan requires all new development to be afforded with safe access. The proposed access would result in the introduction of vehicles movements to and from a classified highway at a location where visibility is substandard. To permit the proposal would therefore be contrary to the best interests of highway safety and thus contrary to Transport Policy 6 in the Local Plan.
2. Housing Policy 15 : Gypsy Caravan Sites in the adopted South Derbyshire Local Plan requires proposed gypsy caravan sites to meet six criteria. The application site would result in an unacceptable vehicular access in terms of highway safety. Furthermore, the siting of the development to the rear of the adjacent property would be likely to result in loss of amenity for occupants of that dwelling which would be out of character with the locality and would be likely to be detrimental to amenities of occupants of the adjoining dwelling. The proposal is thus contrary to criteria 2 and 6 of Housing Policy 15.



Appeal Decision

Site visit made on 24 August 2005

by **Jeremy Eagles** DipTP DMS MRTPI

an Inspector appointed by the First Secretary of State



Date

17/4 SEP 2005

Appeal Ref: APP/F1040/A/05/1181697

Land to the rear of 71 Mount Pleasant Road, Castle Gresley, Swadlincote, Derbyshire DE11 9JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by E Pickering (Castle Nurseries) against the decision of South Derbyshire District Council.
- The application Ref 9/2005/0134/O, dated 27 January 2005, was refused by notice dated 29 March 2005.
- The development proposed is the erection of 5 no. dwellings with associated garaging/parking.

Summary of Decision: The appeal is dismissed.

Procedural Matter

1. The original planning application was submitted in outline with siting and means of access not reserved for subsequent approval and I shall consider the appeal proposal on the same basis.

Main Issues

2. I consider the main issues in this case are:
 - (i) whether the principle of the proposed development is in accord with national and local policies requiring the sustainable location of development, and
 - (ii) the effect of the proposed development on the character and appearance of the appeal site and its surroundings,

Planning Policy

3. The development plan includes the *Derby and Derbyshire Joint Structure Plan* (2001) (SP) and the *South Derbyshire Local Plan* (1998) (LP). Of the policies brought to my attention the following are of particular importance. SP General Development Strategy Policy 1 requires that new development respects the principles of sustainable development by, amongst other things, minimising the need to travel and re-using land and buildings in preference to developing greenfield sites. SP General Development Strategy Policy 3 sets out criteria for new development, including the need for proposals to be located within or well related to settlements and to avoid prominent intrusion into the countryside. SP Housing Policy 6 states that new housing away from existing settlements will be permitted only if necessary for the operation of a rural based activity.
4. LP Housing Policy 4 allows for residential development on the fringes of the built-up area of, amongst other settlements, Castle Gresley provided that the site is substantially

surrounded by development and subject to other criteria including the need to avoid a prominent intrusion into the rural landscape outside of the built-up area. The Council has withdrawn the *South Derbyshire Local Plan Revised Deposit Draft* (2003).

Reasons

Sustainable Location

5. The appeal site comprises part of a disused nursery garden which lies between the rear of properties in Mount Pleasant Road and the A444 Swadlincote By-pass. The largely overgrown site contains a number of vacant or largely empty glasshouses and other structures associated with the previous horticultural enterprise. The appeal site lies immediately beyond the edge of the built-up area of Castle Gresley and forms part of a larger area of open land lying between the settlement and the A444.
6. The proposal includes the demolition of the existing horticultural buildings and structures and the erection of 5 detached dwellings grouped around a turning head at the end of an access road which would follow the route of the existing track between Nos 71 and 73 Mount Pleasant Road. National guidance contained in Planning Policy Guidance Note 3: *Housing* (PPG3) emphasises that new development should be directed towards the most sustainable locations, which will generally be the main urban areas where most services and facilities are found. The main thrust of the housing policies set out in the Structure Plan and adopted Local Plan is generally to restrict new development to locations which relate well to existing settlements.
7. I do not accept that the appeal site is included in the settlement of Castle Gresley or that it represents part of the essential built form of the village. On its north-eastern side the edge of the settlement is very well defined and the site clearly lies within the open countryside, outside of any settlement. The previous horticultural use of the site falls within the definition of agriculture and I do not accept that the site constitutes previously developed land. This is defined in Annex C to PPG3 and specifically excludes land occupied by agricultural buildings and I consider therefore that the site constitutes greenfield land, the development of which the Government, in Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7), seeks to discourage in preference to previously developed land. The site does not form part of the residential curtilage of No 71 Mount Pleasant Road, which is separately defined and clearly of a residential character.
8. Although I note that Castle Gresley does have a number of local facilities residents have to travel outside the settlement for anything other than daily requirements and I do not consider that it represents a priority location under the search sequence set out in PPG3 which gives preference to previously developed sites within urban areas. I conclude on this issue that the principle of the proposed development is not in accord with national and local policies requiring the sustainable location of development.

Character and Appearance

9. The site falls sharply away from the access point onto Mount Pleasant Road and then slopes more gradually towards the A444 which is screened by a substantial belt of trees. It currently has no physical boundary on 3 sides and although I note the Appellant's intention to erect a means of enclosure around it, the site forms part of a wider area of open countryside beyond the edge of the settlement. The present horticultural buildings are not

substantial and are not untypical of a rural area. The proposal would include the erection of 5 large dwellings beyond the edge of the built-up area of Castle Gresley and would create a significant extension of the present built form of the village into the countryside. SP General Development Strategy Policy 3 and LP Housing Policy 4 seek to avoid development which would result in a prominent intrusion into the countryside and although the site is largely screened from the public highway I consider that the rural character of the setting of this part of the village would be significantly diminished as a result of the appeal proposal.

10. I conclude on this issue that the proposed development would have a significant adverse effect on the character and appearance of the appeal site and its rural surroundings, in conflict with relevant development plan policies.

Other Matters

11. The proposed dwellings would be located at a substantial distance from the existing properties in Mount Pleasant Road and at a much lower level, and I do not consider that there would be a significantly detrimental effect on the living conditions of the neighbouring occupiers as a result of the proposal. The scale of the development and the likely amount of traffic that would be generated is too small to cause any significant congestion in Mount Pleasant Road or danger to other road users at the access point or cause undue noise for adjoining occupiers. The proposal would include adequate car parking which would avoid the likelihood of an increase in on-street parking in the area. However, none of these matters are sufficient to outweigh my conclusions in relation to the main issues in this appeal.

Conclusions

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

13. I dismiss the appeal.

Jeremy Eagles

INSPECTOR



Appeal Decision

Site visit made on 19 July 2005

by Kathleen Wiggins BA(Hons) MA

an Inspector appointed by the First Secretary of State

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Date

23 Sep 2005

Appeal Ref: APP/F1040/A/05/1180165

Field adjacent Old Parks Farm, Parks Lane, Smisby, Ashby-de-la-Zouch, Leicestershire LE65 2UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs S C Allman against the decision of South Derbyshire District Council.
- The application (Ref 9/2005/0140/U), dated 1 February 2005, was refused by notice dated 5 May 2005.
- The development proposed is 2 stables, a tack room and a hay store for private use.

Summary of Decision: The appeal is dismissed.

Main Issue

1. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the surrounding countryside.

Planning Policy

2. I understand from the Council's statement that the development plan comprises the Regional Spatial Strategy, the Derby and Derbyshire Joint Structure Plan and the adopted South Derbyshire Local Plan. The Council has also stated that there was an emerging South Derbyshire Local Plan, of which the Revised Deposit Draft was dated January 2003, but that this has now been withdrawn. The Council has provided me with no extant policies and I therefore propose to deal with this appeal on its merits, having regard to relevant national Planning Policy Statements.

Reasons

3. Old Parks Farm is a substantial, old, brick-built house with a range of outbuildings, set in attractive rolling countryside with pleasant views towards rising ground to the north and east. The proposed development would be sited at the north east end of a small field to the west of Old Parks Farm and separated from that property by a farm road. The field slopes gently uphill from south to north and from west to east, such that the proposed development would be located towards the highest part of the field. There is a stand of tall pine trees growing on land immediately to the north east of the field. The boundaries of the field comprise a mixture of hedges and fences, with some newly-planted trees along the boundary with the farm road, and three mature trees in the lower, south west part of the field. The main approach to Old Parks Farm is from the west, along a road which is signposted as a public bridleway, and there are also public rights of way to the north and to the south of the appeal site. It was apparent to me on my site visit that, whilst the hedges,
-

trees and new planting would provide some screening, the proposed stable building would still be clearly visible from the surrounding rights of way, particularly from the point where the approach road bends to the north east and the complex of buildings at Old Parks Farm comes into full view. When viewed from the west, the stable building would be seen against the existing buildings at Old Parks Farm. From any other direction, however, it would be seen as an isolated structure, separated from the existing buildings by the farm road, and prominent in what is currently undeveloped countryside.

4. The proposed development would comprise an L-shaped building, 12.9 metres by 7.9 metres at its widest point, and 4.5 metres high to the ridge-line. The drawing indicates that it would be built of bricks with a pitched, tiled roof. I note that the appellants' preference is for a brick and tile building because it would not only match their existing house and garage but would also provide a robust, low-maintenance structure. In my view, however, a brick-built stable block on this site would have a permanent and substantial appearance in what is currently an undeveloped rural setting. Key principles of national planning policy contained in Planning Policy Statement 7 (PPS7), *Sustainable Development in Rural Areas*, are that new building development in the open countryside should be strictly controlled and that all development in rural areas should be in keeping and scale with its location and sensitive to the character of the countryside. I consider that this development would not be in keeping with its location and, being clearly visible, would therefore have an adverse effect on the character and appearance of the surrounding countryside.

Other Matters

5. A previous application for a stable building on the same site, but with a larger footprint and a higher ridge-line, was refused by the Council in December 2004. This decision was upheld on appeal in June 2005 (APP/F1040/A/05/1173397). I have given careful consideration to the representations made by the appellants' agent in respect of that decision letter, including, in particular, his points regarding the reduction in size and the siting of the building which is now the subject of appeal. I note from the details set out in the decision letter that, although the application was for a timber-clad stable building, the appellants had already expressed their preference for a brick-clad structure. Notwithstanding the fact that the appeal before me is for a lower building with a smaller footprint, I still concur with the substance of the previous Inspector's findings that a permanent, brick-built structure would be incongruous in this open, rural location and would unacceptably affect the character and appearance of the surrounding countryside, contrary to the aims of PPS7.
6. I appreciate the appellants' wish to stable their horses close to their home in order to avoid daily journeys to and from livery stables. I also acknowledge the appellants' concern to comply with advice contained in the Countryside Commission booklet, *Horses in the Countryside – a code of practice for owners and riders*, particularly regarding the position of the proposed stable block within sight and hearing distance of their house, and its easy access to roads and riding routes. Nevertheless, I cannot allow these matters to outweigh the harmful effect which I believe the development would have on the character and appearance of the surrounding countryside.

Conclusions

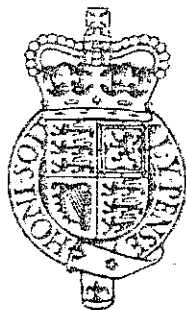
7. For the reasons given above and having regard to all other matters raised, including the comments made by the Parish Clerk on behalf of Smisby Parish Council, I conclude that the appeal should be dismissed.

Formal Decision

8. I dismiss the appeal.

Kathleen Wiggins

INSPECTOR



Appeal Decision

Site visit made on 23 September 2005

by **M Middleton BA(Econ) DipTP DipMgmt MRTPI**

an Inspector appointed by the First Secretary of State

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Date

12 OCT 2005

Appeal Ref: APP/F1040/A/05/1181690

4 Shakespeare Meadows, Repton, Derbyshire, DE65 6SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Hollidge against the decision of South Derbyshire District Council.
- The application Ref 9/2004/1444/FH, dated 2 November 2004, was refused by notice dated 23 December 2004.
- The development proposed is extensions and alterations.

Summary of Decision: The appeal is dismissed.

Main Issues

1. I consider the main issues in this case to be the effect of the proposal on
 - (a) the character and appearance of the Repton Conservation Area
 - (b) the living conditions at neighbouring properties, particularly Nos. 2, 3 and 5 Shakespeare Meadows with regard to privacy and overbearing effect.

Planning Policy

2. The Development Plan for the area includes the Derby and Derbyshire Joint Structure Plan (SP) 2001 and the South Derbyshire Local Plan (LP) 1998. SP and LP Environment Policies 9 and 12 respectively seek to prevent development that would have an adverse effect on the character and appearance of conservation areas. These policies reflect the statutory duty for decision-makers to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
 3. LP Housing Policy 13 requires extensions to dwellings to be of a scale and character that is in keeping with the property and not detrimental to the amenities of adjoining properties or the general character of the area.
 4. I have also been referred to *Extending your Home*, Supplementary Planning Guidance that the District Council has prepared in order to give detailed advice as to how proposals can meet the policy criteria. The most recent edition of this SPG was adopted in May 2004 following appropriate public consultation. Given the advice in paragraphs 3.15 and 3.16 of Planning Policy Guidance Note 12: Development Plans, I should give substantial weight to this document.
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Reasons

Character and appearance

5. The proposal would build a large extension to the side and rear of a detached dwelling that when constructed was a mirror image of its neighbour at No 5. It would have a ridge almost at the same height as the main ridge and would not be subordinate to the features of the original dwelling. Nevertheless, it would not be in a visually prominent location and I do not consider that it would be harmful to the appearance of the dwelling. In my opinion it would be in keeping with the property, not detrimental to the general character of the area and in accordance with these aspects of LP Housing Policy 13.
6. Views of the appeal dwelling and its south-western neighbour from within the Repton Conservation Area are limited to a small section of High Street to the south-east of Broomhills Lane, from where only the front elevation of the appeal dwelling is visible. However, even these vistas are substantially screened by the vegetation in the garden of Stratford Cottage and at the entrance to Shakespeare Meadows. In these circumstances I do not consider that the insertion of a roof light in the north-western elevation of the appeal dwelling would be any more discordant or harmful to the views from within the conservation area than the existing view of a similar dormer in the roof of No 1 Shakespeare Meadows, which I consider to be acceptable.
7. Because of other buildings and structures, the rear extension would only be seen from Main Street across the rear garden of No 5 and only for a short distance from its south-western side. In the context of the views into the conservation area the proposal would have negligible impact, being only visible in the same view from a very limited area. I therefore conclude that the proposal would not have an adverse effect on the character and appearance of the Repton Conservation Area and is in accordance with SP and LP Environment Policies 9 and 12 and the national guidance.

Living conditions

8. The roof to the rear part of the dwelling would be raised but its pitch would be in the same plane as the existing one. As a result the increased ridge height would have no greater impact on the neighbours at Nos. 2 and 3 than exists at present. In my opinion the existing rear roof and side gable do not have an overbearing effect on the neighbours' habitable rooms and the impact of the proposed dormer would be less than that which results from the existing gable. On the ground floor, the conservatory at No 5 would be the closest part of that building to the extension but any impact would be screened by the wooden fence that separates the properties and the conservatory's roof. Although there is a bedroom with a rear window above the adjacent garage, the distance and relationship between this and the extension would be such that in my view it would not have an overbearing effect.
9. The roof light to the rear bedroom would overlook the conservatory at No 5 but its roof is obscure glazed and the proposal would not infringe its privacy. There would be a dormer window on the extended roof and a new circular window in the existing gable on the north-eastern elevation. These would directly overlook No 2 and obliquely overlook No 3, both of which have windows to living and bedrooms in the facing elevations. In my view the proposed windows, which would look down at the neighbours' windows would not achieve the normally accepted levels of privacy.

10. The Council's SPG suggests that first floor bedroom windows should be separated from ground floor bedroom windows by at least eighteen metres. I consider this SPG scenario to be a parallel situation to the appeal proposal. The distances between the appeal dwelling's second floor windows and those in the first floor at No 2 in particular would be significantly less than the minimum recommended by the SPG. I therefore consider the proposal to be contrary to the SPG and being detrimental to the amenities of the adjoining properties by reason of privacy it would be contrary to LP Housing Policy 13. I note that an existing bedroom and a landing window overlook the neighbours from an even shorter distance but these predate the adoption of the current version of the SPG. In addition my observations from these windows did not persuade me that the proposed windows would not harm the living conditions of the neighbours.

Other matters

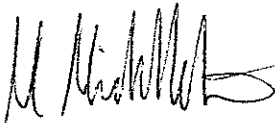
11. I note that the neighbours do not object to the proposal. However the scheme proposes development of a permanent nature and the windows would remain long after the personal circumstances of the current neighbours would have ceased to be relevant.

Conclusions

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

13. I dismiss the appeal.



INSPECTOR

