

# **REPORT OF THE HEAD OF PLANNING SERVICES**

## **SECTION 1: Planning Applications**

## **SECTION 2: Appeals**

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

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## **1. PLANNING APPLICATIONS**

**This section includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 1995 (as amended) and responses to County Matters.**

<b>Reference</b>	<b>Item</b>	<b>Place</b>	<b>Ward</b>	<b>Page</b>
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When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Head of Planning Services' report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Head of Planning Services, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.



18/07/2006

**Item** 1.1**Reg. No.** 9/2005/1283/U

**Applicant:**  
D Prince & Sons  
Sapperton Manor Sapperton Lane  
Church Broughton  
Derby  
DE655AU

**Agent:**  
Woore Watkins  
61 Friar Gate  
Derby  
DE11DJ

**Proposal:** Conversion to workshops and offices of Farmbuildings  
Sapperton Manor Sapperton Lane Church Broughton  
Derby

**Ward:** North West

**Valid Date:** 27/10/2005

This application is reported jointly with 9/2005/1284/L – albeit a separate recommendation is made for that submission.

#### **Reason for committee determination**

The recommendation below is for the granting of permission contrary to the recommendation of a statutory consultee (the County Highway Authority) to refuse permission.

#### **Site Description**

The site is located in the open countryside and comprises a range of single and two storey outbuildings which are grade II listed. The buildings are arranged around a courtyard and there is a clock tower in the building directly opposite the entrance to the site.

#### **Proposal**

The proposal is to convert the buildings to offices and workshops. Window and door openings would remain virtually unchanged with new window openings kept to a minimum. All parking would be contained in the car park. Opening hours for the units would be 0700 – 1900 Monday to Friday 0700 – 1700 on Saturdays with no opening on Sundays.

9/2005/1283/U & 9/2005/1284/L Sapperton Manor

Sapperton Lane  
Church Broughton

Sapperton

THE SITE

5647

Cattle Grid

FB

Ford

Sapperton Manor

Sapperton  
Cottage

7333

Medieval Village of Sapperton  
(site of)

SAPPERTONFIELD  
LANE 83.5m  
GP

Sapperton

9958

BM 85.22m



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## **Applicants' supporting information**

None

## **Planning History**

The Development Control Committee granted permission for this change of use in June 2000 but permission has since lapsed hence the current application.

Permission for alternative employment use of one of the more modern farm buildings in the complex has been granted at appeal. As a result of this appeal decision permission was then granted for a further modern building.

## **Responses to Consultations**

Church Broughton Parish Council has no objection to either application.

The County Highway Authority objects to the development on the basis that journeys to and from the site would be by motor vehicles contrary to sustainable development principles and that the roads in the vicinity of the site are narrow and unsuited to the use by commercial traffic. This would bring conflict between vehicles, pedestrians and horses. This would be particularly so on the road immediately to the east of the access where the road is in deep cutting and enclosed by tall trees.

The Environmental Protection Manager has no objection subject to conditions controlling the hours of operation and an assessment of the potential for contamination within the site.

## **Responses to Publicity**

The application has been advertised in accordance with the regulations.

## **Development Plan Policies**

The relevant policies are:

RSS8:

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

Local Plan: Environment Policy 1, Employment Policy 4.

## **Planning Considerations**

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

- The Development Plan
- Highway safety issues

## **Planning Assessment**

In granting permission for this use in 2000 the Committee had regard to the highway objections from the County Highway Authority but concluded that the benefits of retaining the group of listed buildings and protecting the setting of the main farm house (Sapperton Manor) that is also a listed building, outweighed the highway safety issues.

Highway safety is one of the issues that would allow for the refusal of an application to convert rural buildings to employment use. However on balance the retention of this fine group of Grade II listed buildings remains of sufficient weight to overrule the strong highway safety issues raised by the County Highway Authority. In addition, the inspector at the appeal into the conversion of the modern building determined that highway safety would not be so at risk that the appeal should fail and therefore granted permission.

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 three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no.7811-30A, 31A & 32A all received under cover of your letter dated 11 May 2006.  
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. 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: 0700 - 1830 Monday to Friday, 0700 to 1300 on Saturdays.  
Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.
4. There shall be no open storage of goods or materials within the site.  
Reason: In the interests of protecting the character, setting and appearance of the Grade II Listed Buildings.
5. The car parking spaces/manoeuvring areas shown on the submitted plan shall be marked out prior to the first use of the development and thereafter retained for that purpose free of obstruction.  
Reason: In the interests of highway safety.
6. Access to the site shall be laid out in accordance with the details shown on the submitted drawing and shall be retained in position in perpetuity.  
Reason: In the interests of highway safety.



7. No part of the development shall be carried out until samples of the facing materials to be used in the execution of the works have been submitted to and approved in writing by the Local Planning Authority. The agreed materials shall then be used in the development hereby approved.

Reason: To safeguard the appearance of the existing building and the locality generally.

8. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

9. The extent of repointing works shall be agreed in writing by the Local Planning Authority before any such works are commenced.

Reason: In the interests of the appearance of the buildings and the character of the area.

10. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflights shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflights shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the buildings and the character of the area.

11. No work shall take place until precise details of the means of internal alteration of the existing premises have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include all measures necessary to obtain approval under Part B of the Building Regulations. The work shall be implemented in conformity with the approved details.

Reason: In the interests of maintaining the character and internal integrity of the Listed building.

12. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the buildings and the character of the area.

13. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the buildings and the character of the area.

14. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the buildings and the character of the area.

15. Windows shall be single glazed unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the buildings and the locality generally.

16. Pointing of the existing/ proposed buildings shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: In the interests of the appearance of the buildings.

17. A sample panel of pointed brickwork/stonework 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing. The works shall be carried out in accordance with the approved sample.

Reason: In the interests of the appearance of the buildings and the locality generally.

18. Following the removal of 'false' brick walls from north and east ranges as indicated on the submitted plans and before the execution of any further works a specification for making good the disturbed surfaces, along with a proposed timetable, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and timetable.

Reason: in the interests of the character and appearance of the buildings.

19. All works of alteration and making good of the existing fabric of the building(s) shall be carried out in matching materials, samples of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the buildings.

18/07/2006

**Item 1.2****Reg. No. 9/2005/1284/L****Applicant:**

D Prince & Sons  
 Sapperton Manor Sapperton Lane  
 Church Broughton  
 Derby  
 DE655AU

**Agent:**

Woore Watkins  
 61 Friar Gate  
 Derby  
 DE11DJ

**Proposal:**        **Conversion to workshops and offices of farmbuildings**  
**Sapperton Manor Sapperton Lane Church Broughton**  
**Derby**

**Ward: North West****Valid Date: 27/10/2005**

See report for 9/2005/1283.

**Development Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Environment Policy 10  
 Local Plan: Environment Policy 1 & 13

**Recommendation****GRANT** listed building consent subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.

2. No part of the development shall be carried out until samples of the facing materials to be used in the execution of the works have been submitted to and approved in writing by the Local Planning Authority. The agreed materials shall then be used in the development hereby approved.

Reason: To safeguard the appearance of the existing building and the locality generally.

3. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

4. The extent of repointing works shall be agreed in writing by the Local Planning Authority before any such works are commenced.

Reason: In the interests of the appearance of the buildings and the character of the area.

5. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflights shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflights shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the buildings and the character of the area.

6. No work shall take place until precise details of the means of internal alteration of the existing premises have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include all measures necessary to obtain approval under Part B of the Building Regulations. The work shall be implemented in conformity with the approved details.

Reason: In the interests of maintaining the character and internal integrity of the Listed building.

7. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the buildings and the character of the area.

8. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the buildings and the character of the area.

9. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the buildings and the character of the area.

10. Windows shall be single glazed unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the buildings and the locality generally.

11. Pointing of the existing/ proposed buildings shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: In the interests of the appearance of the buildings.

12. A sample panel of pointed brickwork/stonework 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing. The works shall be carried out in accordance with the approved sample.

Reason: In the interests of the appearance of the buildings and the locality generally.

13. Following the removal of 'false' brick walls from north and east ranges as indicated on the submitted plans and before the execution of any further works a specification for making good the disturbed surfaces, along with a proposed timetable, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of maintaining the character and appearance of the Grade II Listed Building.

14. All works of alteration and making good of the existing fabric of the building(s) shall be carried out in matching materials, samples of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining the character and appearance of the Grade II Listed Building.

18/07/2006

**Item**                **1.3**

**Reg. No.**        **9/2006/0497/U**

**Applicant:**

Mr S B Maguire  
The Retreat Hills Lane  
Stanton-by-Bridge  
Derby  
DE731HY

**Agent:**

Mr S B Maguire  
The Retreat Hills Lane  
Stanton-by-Bridge  
Derby  
DE731HY

**Proposal:**        **Continued use as self contained dwelling of the studio annexe permitted under 9/590/119/F at The Retreat Hills Lane Stanton-by-Bridge Derby**

**Ward:**            **Repton**

**Valid Date:**     **08/05/2006**

**Reason for determination by committee**

Councillor Wheeler has requested that the Committee determine this case because local concern has been expressed about a particular issue.

**Site Description**

This detached single storey building is concealed within the curtilage of the applicant's detached property and sits between the house, which fronts Hills Lane, and the converted buildings of Ivy House Farm used as bed and breakfast accommodation.

**Proposal**

The proposal is to regularise the use of the building as a self-contained dwelling.

**Planning History**

Planning permission to construct the building was granted in October 1990 and was described as a studio in the garden. Condition 10 of the permission prevented the building from being used for the purposes of trade or business.

**Responses to Consultations**

The Highway Authority has no objections.



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## **Development Plan Policies**

The Inspectors Report into the (now withdrawn) Draft Local Plan relating to Policy H1 is a material consideration in this case.

## **Planning Considerations**

The main issue central to the determination of this application is the conversion of the building to a dwelling in a non-serviced settlement.

## **Planning Assessment**

The application site is within the village of Stanton-by-Bridge.

The Inquiry inspector found that the Council's fundamental approach accords with national and regional guidance and the aims of sustainable development. In relation to Stanton-by-Bridge he could see no reason why; given it has no school or shop, that it should be regarded as a 'serviced village'. He considered Policy H1 in so far as it allowed for the development of no more than two dwellings on a brownfield site to fill a gap in an otherwise built-up frontage and the conversion of buildings to residential use where it has been demonstrated that commercial use is not practical or viable to be appropriately applied to Stanton-by-Bridge. Condition 10 of the existing permission was applied because the building was considered not suitable for business use given its close proximity to other dwellings. Therefore there is no objection in principle to the change of use to a dwelling.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended, no satellite dishes shall be affixed to the dwelling and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.



18/07/2006

**Item** 1.4**Reg. No.** 9/2006/0584/M**Applicant:**

Mr Jaswant Chatha C/O P Chatha  
 Partrap House  
 Derby Road  
 Hilton  
 Derby  
 DE655FP

**Agent:**

Rayner Davies Architects Ltd  
 Jonathan Bramley  
 2 St Peter's Gate  
 Nottingham  
 NG1 2JG

**Proposal:** Outline application (all matters reserved except for siting and means of access) for the erection of a 60 bed residential care home and associated parking on land adjoining Partrap Derby Road Hilton Derby

**Ward:** Hilton

**Valid Date:** 17/05/2006

**Reason for determination by committee**

This application is brought to Committee at the request of Councillor Mrs Littlejohn on the basis that she considers that there are highway issues that need to be addressed by the Committee on a site that is a nuisance and has attracted travellers.

**Site Description**

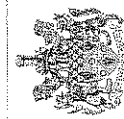
This is a semi derelict site upon which stood the former Silver Wheel café and Motel. The site sits at a level below the line of the adjacent A516 and is accessed via the lay-by that lies off the road, also at a lower level. The site is enclosed by walls and hedges but has a basically open frontage to the lay-by albeit that there is a screen of trees on the lay by bank that adjoins the A516.

**Proposal**

The illustrative scheme shows a 2-storey building with an atrium to provide natural light to the communal areas on the ground floor. Parking would be provided to the front of the building and the building would 'wrap' around the car park in the form of a horseshoe.

**Applicants' supporting information**

A Design Statement accompanies the application. In terms of planning history it states that the site operated as a café and motel that shut in 1989. The site remained derelict for a number of years and the buildings were demolished in 1993.



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Planning permission was granted in 1997 for the erection of a hotel on the site and there have been 2 renewals of that permission.

The opening of the A50 and the Etwall By pass reduced the marketability of the site for a hotel and evidence of attempts to market the site for its permitted use accompany the application. The site is deemed to be too small and alternative sites have been permitted on the A50 and A38.

Having looked at the alternatives, the applicants have concluded that the development of a hotel on the site is not likely and that the most viable alternative use would be for the erection of a 60 bed home to meet the needs of the Elderly and Mentally ill (EMI).

The building has been designed to fit within the landscape and to benefit the surrounding countryside. Soft landscaping is proposed around the periphery of the application site and an area of tranquillity would be formed at the rear of the building away from the road and looking over the countryside. There is a neighbouring dwelling but this is in the ownership of the applicants. The rooms and communal areas have been designed to meet the standards of the regulatory bodies.

Evidence has been provided from Derbyshire County Council Social Services to show that there is a demand for the facilities to be provided at the site.

In response to the comments of the Crime Reduction Officer (*see comments below*) the applicants have commented as follows:

- a) The crime reduction officer (CRO) has stated that the lay by is a source of criminal activity. The applicant is well aware of this and is seeking to purchase the lay-by from the County Highway Authority. To date progress on this has been slow. If the site were purchased the applicant would have no problem with the installation of lights and a secure boundary to help to reduce crime.
- b) Whilst recognising the need to reduce crime, the applicant is unwilling to rotate the building as suggested. The design as submitted provides privacy for potential clients; the suggested alternative would significantly reduce privacy standards. Accordingly the applicants do not wish to amend the submitted design. The ownership of the lay-by would help to control the incidence of crime and lewd behaviour that the applicant has witnessed over the years.

## Planning History

The planning history of the site is as described by the applicants in the supporting information above.

## Responses to Consultations

Hilton Parish Council has no objection.

The County Highway Authority has no objection subject to conditions and draws attention to the lay-by forming a part of the highway and any works to this area would require the approval of the County Highway Authority and possibly a legal agreement.

Severn Trent Water has no objection subject to the submission of details of the means of drainage (it notes that no permanent sewer exists in the locality).

The Environment Agency has no objection subject to conditions and draws attention to the presence of a tip site adjacent to the application site. The site was used to tip inert building materials and the waste disposal licence did not require gas monitoring to be undertaken. The Environment Agency advises that the Environmental Protection Manager should be consulted about any risk to human health.

The Environmental Protection Manager has no comment.

The advice from the Crime Prevention Design Adviser is that the lay-by attracts various criminal activities and that there is concern that the development site may attract the attention of the criminal fraternity especially as the proposed car park is adjacent to the lay-by. He requests that the basic footprint of the building is changed so that parking provision is made to the rear of the site to show a strong building line to the road frontage and to secure the parking area. However if the development were permitted in its submitted form, then some form of secure gated access should be provided.

## **Responses to Publicity**

None

## **Development Plan Policies**

The relevant policies are:

RSS8:

Joint Structure Plan: General Development Strategy Policy 4

Local Plan: Environment Policy 1 and Community Facilities Policy 1.

## **Planning Considerations**

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

- The provisions of the Development plan
- The impact of the development on the countryside
- Access to the site
- The Crime Prevention and Design adviser's concerns.

## **Planning Assessment**

The site lies in the countryside outside the built confines of any settlement. In normal circumstances the erection of a new residential home in such a location would require appropriate justification under the provisions of the Development Plan. However, in this case there are grounds for looking at the other material considerations that may outweigh the normal presumption against development in this location.

A valid planning permission exists for the erection of a motel and associated restaurant on the site of a similar scale and character to the building proposed in this application, although the likelihood of that development being implemented is remote given the recent history of the marketing of the site.

Potentially there is scope for a similar scale building to be erected on the site and part of the justification for permitting the previous applications was the historic use of the site. The other consideration is the impact on the character and appearance of the area. This would be minimised because of the 'lay' of the land and the partial screening effect of the trees in the vicinity of the site. In terms of impact on the countryside it is not expected that the use as proposed would be any more intrusive than the permitted use.

Councillor Littlejohn has raised concerns about highway issues but the County Highway Authority has raised no objection to the principle of the erection of the building for the proposed use.

The proposed use would present the opportunity to tidy the site and reduce the propensity for criminal activity by the introduction of additional supervision of the access and the lay-by. The on-site security could be achieved through the provision of gates and therefore reduce access to the site by unauthorised persons.

On balance, the erection of a building for use as nursing home, albeit not essential in this location, would secure a new community facility for the villages of Etwall and Hilton and the wider rural area and provide the opportunity to provide additional security to an area that is recognised as one where there are problems.

Whilst the attempts by the applicants to purchase the lay-by are noted, this application has been considered in the light of the existing situation.

The site owners have queried the use of the site for the erection of housing. Whilst people will be resident on the land, the use as a care home falls in a different use class to houses and the grant of permission for this use would not set a precedent for housing in this countryside location.

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. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- (b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the design and external appearance of the building(s), the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. No development shall take place until details of a scheme for the disposal of surface and foul water 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.

Reason: In the interests of flood protecting and pollution control.

4. 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.

Reason: In the interests of pollution control.

5. Before any other works are commenced on the site the access shall be formed with the public highway in accordance with the application drawing. The access shall be surfaced with a solid bound material and the site frontage shall be cleared of any obstruction to visibility exceeding 1.0 metre in height relative to road level for a distance of 2.0 metres back from the highway boundary.

Reason: In the interests of highway safety.

6. The car parking spaces/manoeuvring areas shown[on the submitted plan 1261(08)BL01 shall be hard surfaced with a solid bound material and marked out prior to the first use of the development and thereafter retained for that purpose free of obstruction.

Reason: In the interests of highway safety.

7. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

#### Informatives:

You are advised to note the comments of the Environment Agency as set out in the attached letter dated 16 June 2006 with regard to tipping operations in the vicinity of the site and sustainable drainage methods that could be applied to the site.

If works are proposed to the lay by in front of the site, then it will be necessary for the applicant to obtain the approval of the County Planning Authority at County Hall Matlock Derbyshire.

18/07/2006

**Item** 1.5**Reg. No.** 9/2006/0643/F**Applicant:**Mrs Routledge-Martin  
C/O Fisher German**Agent:**Fisher German  
The Grange  
80 Tamworth Road  
Ashby De La Zouch  
Leicestershire  
LE65 2BW**Proposal:** The erection of a log cabin and parking area at The Buildings Farm Ticknall Road Hartshorne Swadlincote**Ward:** Hartshorne/Ticknall**Valid Date:** 30/05/2006**Reason for committee determination**

Councillor Bell has requested that this case be reported to the Committee on grounds that local concern has been expressed about a particular issue.

**Site Description**

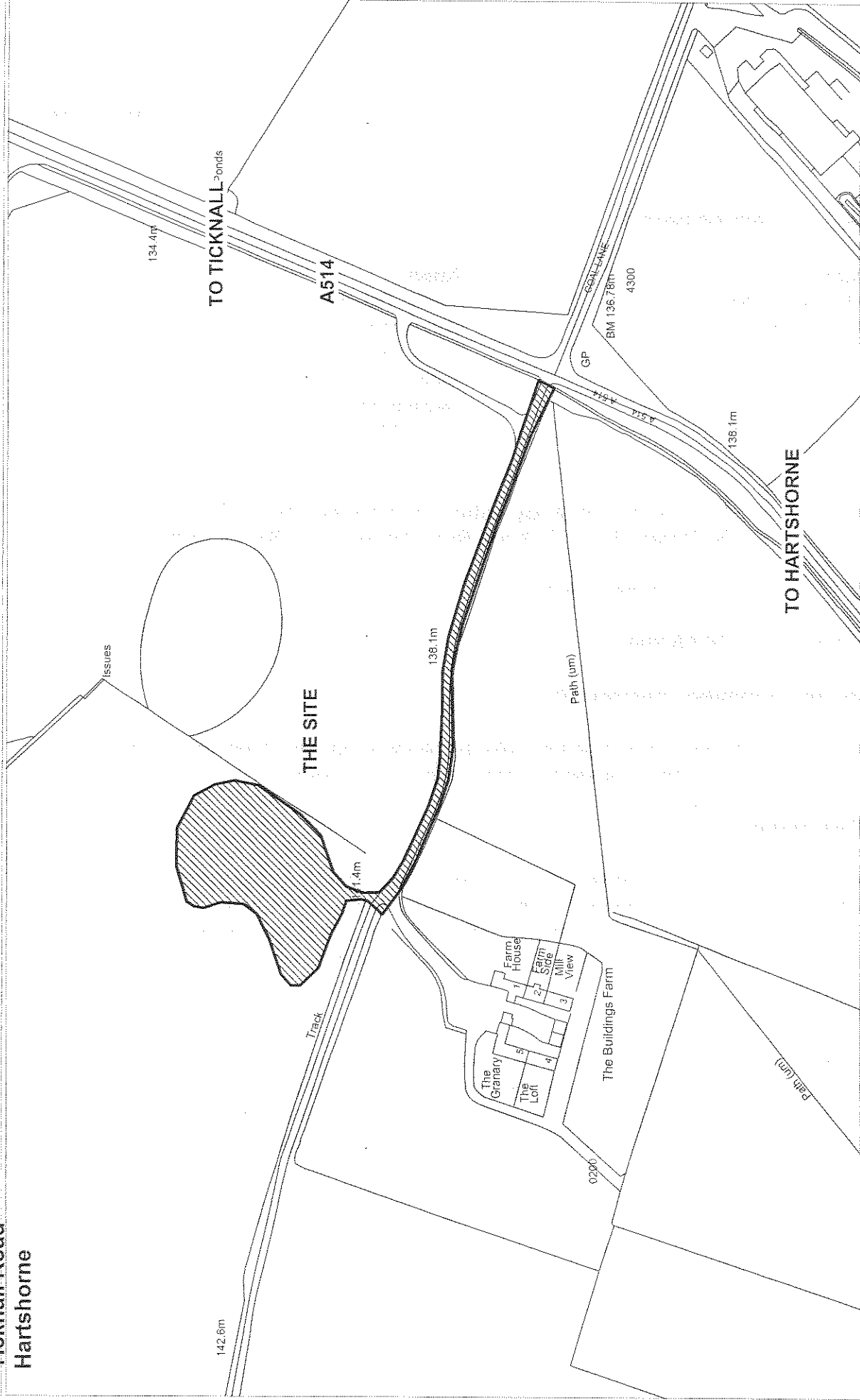
The site forms part of open grassland on an elevated plateau surrounded by recent forest planting as part of a National Forest tender scheme. It is accessed by a track some 240m from the west side of Ticknall Road (A514) and is approximately 110m North North East of Buildings Farm; a complex of converted farm buildings.

**Proposal**

It is proposed to erect a single storey four bedroom pitched roof timber cabin on the site for holiday accommodation and an associated two space parking area. It would be 16.5m long by 6.8m wide and have a further 4m by 6.5m section projecting from its eastern side. It would be 2.2m to its eaves and 4.8m to its ridge.

A 35m by 11m area of stone chippings is also proposed for parking at the entrance to the site to provide parking for day visitors to the area, and additional parking for the holiday accommodation if required.

9/2006/0643/F The Buildings Farm  
Ticknall Road  
Hartshorne



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## **Applicants' supporting information**

In its supporting statement the applicant's agent concludes that the 'log cabin' has been redesigned to create a larger unit of better internal layout and design, to encourage families and larger groups to the area in line with guidance from the National Forest Strategy. She says the proposed external changes will sit comfortably within the landscape, not causing visual harm to the immediate or wider environment. Further planting will act as both a backdrop and screening with time. She concludes that the proposal would be an acceptable form of development in the area and ensure viable and sustainable tourist accommodation within the National Forest, and facilitate the growth of local village facilities and tourist attractions in the area.

## **Planning History**

Planning permission for a smaller cabin in the same position was granted in October 2005.

## **Responses to Consultations**

The Highway Authority raises no objections subject to the original access to Ticknall Road being permanently stopped up.

The Environment Agency raises no objections subject to the approval of appropriate foul drainage.

Hartshorne Parish Council considers the development to be totally inappropriate in a rural area. It considers that a four bedroom property would be difficult to let as holiday accommodation and as such it is likely that a later application would be made for domestic occupation.

The National Forest Company comments that in principle, the proposal for a log cabin is in tune with the tourism objectives of the National Forest Strategy, 2004 –2014. It states that the site in question however forms an unplanted part of a National Forest Tender Scheme. As part of the Tender Scheme contract it has been agreed that the site has 100% public access for walkers. The NFC is concerned that use of part of this site for a log cabin and associated parking could be at odds with their Tender Scheme contract (i.e. use of part of the site would restrict the 100% public access provided).

## **Responses to Publicity**

Five letters of objection have been received, and are summarised as follows:

- The applicant does not control the means of access to the site which is also a public bridleway and the owner would not allow such access
- A bridleway does not give right of access to vehicular traffic
- There are no obvious means of supplying power and water to the development
- The development will reduce the amount of open land required from the National Forest Tender Scheme available for public access
- Occupiers of the accommodation are likely to cause disturbance to residents of Buildings Farm

- The development and car park would cause unnecessary disruption to the local environment
- The development would minimise views enjoyed by the general public
- The development would be out of character with other properties in the area
- The development is contrary to Government advice being new build in the open countryside away from existing towns and villages
- Accommodation in the area is already available
- Theft and vandalism is likely to increase as a result of the development
- Permitting the scheme will encourage further applications for similar development.

## **Development Plan Policies**

The relevant policies are:

### **RSS8**

Joint Structure Plan: Leisure and Tourism Policy 1, 2 and 5.

Adopted Local Plan: Recreation and Tourism Policy 1.

Also material to this proposal is PPS7: Sustainable development in Rural Areas, the Government's recently published "Good Practice Guide on Planning for Tourism".

## **Planning Considerations**

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

- Whether the development would be in a sustainable location.
- The impact of the development on the landscape.

## **Planning Assessment**

The application site lies within the National Forest and is situated in close proximity to a number of local tourist attractions such as Calke Abbey and Foremark Reservoir. RSS8 recognises the National Forest as a strong regional attraction for tourism. It also seeks to provide more overnight accommodation to reduce the environmental impacts of day trips. Whilst PPS7 recommends that most tourist accommodation be located in, or adjacent to, existing towns and villages, it also states that planning authorities should support the provision of self-catering holiday accommodation in rural areas provided they are sustainable. In addition, the 'Good Practice Guide' acknowledges that there will be some occasions where development for tourism is sought at a location where it will be difficult to meet the objectives of access by sustainable modes of transport. In such circumstances the benefits of a rural location can outweigh these accessibility limitations.

Policy LT2 of the Joint Structure Plan supports leisure and tourism related development in the National Forest. Furthermore, Policy LT5 seeks to ensure that provision is made for holiday accommodation. Policy RT1 in the adopted Local Plan seeks to ensure that tourist accommodation (among other facilities) do not cause disturbance, have adequate parking and access, and are of an appropriate scale and design, well

integrated with their surroundings. In terms of design, a timber building is likely to have less visual impact in the landscape and would be more conducive to a forest setting.

The building would be largely screened by the forest planting, the effect of which will increase as the young forest matures. The building being larger than the previous proposal is likely to be visible from certain vantage points but not to any harmful extent. Additional planting would provide further visual mitigation along with the use of a cedar shingle roof – characteristics relevant to its forest location.

It is proposed to include a condition requiring the building to be removed from the site and the site restored to its original condition when the building is no longer required for holiday accommodation.

The building and parking area would be sited a sufficient distance from the residents of Buildings Farm for it not to cause demonstrable harm to their amenities.

Issues relating to rights of access are not a planning consideration. The issue regarding the public access agreement between the landowner and the National Forest is a matter for the two parties to resolve.

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 three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. No development shall commence on site in connection with this approval until samples of the materials and colour finish of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples. The roof material shall be cedar shingles.

Reason: To ensure the materials and colour finish are appropriate to safeguard the appearance of the countryside.

3. No development shall commence on site in connection with this approval until details of tree planting have been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide forest planting to screen publicly visible views of the site in the interests of safeguarding the undeveloped character of the countryside

4. All planting comprised in the approved details of tree planting shall be carried out in the first planting season 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.

Reason: In the interests of the appearance of the area.

5. Notwithstanding the provisions of Part C, Class C3 to the Schedule of the Town and Country Planning Use Classes (Amendment) Order 2005, (or any Order revoking or re-enacting that Order), the premises hereby permitted shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order without the prior permission of the Local Planning Authority. The property shall not be occupied by any individual or groups of persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority, at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: Use of the building for residential purposes would be contrary to national and local policies which seek to guide residential development to urban settlements and serviced villages in the interests of sustainable development.

6. No development shall take place until details of a scheme for the disposal of foul water have been submitted to and approved 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.

Reason: In the interests of pollution control.

7. No development shall commence on site in connection with this approval until the original access to Ticknall Road has been permanently stopped up in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8. The building shall be removed from the site and the site restored to its pre-development condition when it is no longer to be used solely as tourist accommodation.

Reason: The building is permitted on the grounds of providing tourist accommodation only and should this building be no longer required for this purpose its presence in this location would be no longer justified.

## **2. PLANNING AND OTHER APPEALS**

<b>Reference</b>	<b>Place</b>	<b>Ward</b>	<b>Result</b>	<b>Cttee/delegated</b>
9/2005/0981	Bretby Hall	Repton	Dismissed	Delegated
9/2005/1220	Hilton	Hilton	Dismissed	Delegated





# Appeal Decision

Site visit made on 9 May 2006

by Jeremy Youle BA (Hons) MA TRP MRTPI

an Inspector appointed by the Secretary of State for  
Communities and Local Government

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Date: 3 July 2006

Appeal Ref: APP/F1040/A/06/2008281

6 Farm Close, Hilton, Derbyshire, DE65 5JZ

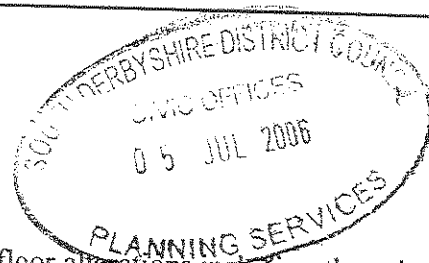
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs J Waltho against the decision of South Derbyshire District Council.
- The application Ref 9/2005/1220/FH, dated 14 October 2005, was refused by notice dated 8 December 2005.
- The development proposed is ground and first floor alterations and extensions including enlarged entrance hallway and first floor bedroom above existing garage.

## Decision

1. I dismiss the appeal.

## Reasons

2. The Council have raised no objections to the ground floor alterations including the enlarged hallway and I agree with that view. Consequently, the main issue is the effect that the first floor front extension over the existing garage would have on the living conditions of the occupants of No 4 Farm Close.
3. The first floor bedroom window in the front elevation of the proposed extension would allow direct views down into the ground floor windows in the rear elevation of No 4 at a distance of around 20 metres. These windows serve a main habitable room. Overlooking at this distance would result in both a real and perceived loss of privacy to the occupants of No 4, causing harm to their living conditions. The proposal is therefore contrary to Housing Policy 13 of the South Derbyshire Local Plan, adopted in May 1998, which seeks to ensure that extensions are not detrimental to the amenities of adjoining properties.
4. The proposal also fails to conform to the detailed guidance on minimum distances between extensions and neighbouring dwellings in the document entitled *Extending Your Home* Supplementary Planning Guidance (SPG). It has been subject to consultation and has otherwise been prepared in accordance with relevant national advice and for those reasons I attach it substantial weight. The appellants have argued that the intervening distance is only slightly less than the required 21 metres. However, the SPG makes it clear that the specified intervening distances are intended to be the minimum needed to achieve satisfactory levels of privacy.



5. My attention has been drawn to first floor extensions at Nos 8 and 10 Farm Close. The appellants have argued that these have been approved by the Council, even though the intervening distances with the windows in the side elevation of 9 Farm Close are less than would be required by the SPG. It is suggested that this sets a precedent. However, the SPG states that guidelines on distances will not be applied to side windows which makes these cases materially different to the appeal proposal. Furthermore, I have little information regarding the circumstances involved so can attach little weight to these cases as material considerations. Therefore, I have considered the appeal on its own merits.
6. The appellants have argued that if the proposed bedroom were to be used for a different purpose it might, according to the SPG, require a lesser intervening distance. However, the room is shown as a bedroom with en suite bathroom in the proposed plans and I must deal with the scheme as presented. For these reasons I consider it likely that it would be used for this purpose at some stage.
7. The appellants have also argued that the proposal would retain the existing footprint of the building with a traditional gable design which reflects local character including that of neighbouring houses, and that to achieve a greater intervening distance would result in a less satisfactory design. However, I do not consider these matters outweigh the harm that would be caused to the living conditions of the occupant of No 4. Accordingly, I dismiss the appeal.



INSPECTOR





# Appeal Decision

Site visit made on 23 May 2006

by **Dannie Onn** RIBA IHBC

an Inspector appointed by the First Secretary of State

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Date: 7 June 2006

**Appeal Ref: APP/F1040/A/06/2008296/NWF**

**Squirrels Holt, 17 Carnarvon Court, Bretby, Derbyshire, DE15 0UA**

- 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 B and Mrs L Fearn against the decision of South Derbyshire District Council.
- The application Ref 9/2005/0981/FH, dated 10 August 2005, was refused by notice dated 10 October 2005.
- The development proposed is a loft conversion.

## Decision

1. I dismiss the appeal.

## Reasons

2. Carnarvon Court is a courtyard development of houses set alongside Bretby Hall, which is an early 19th century remodelling of an earlier building. The Hall is an ornate stone mansion listed at grade II\* and is set in open parkland, which forms the essential part of its setting. Carnarvon Court is in a vernacular style and symmetrically arranged to mimic a stable court. Its red brick walls and red tile roof contrast with the grey stone of the mansion and its 2 storey scale is subordinate to its nationally important neighbour. However, it boldly aligns with the principle architectural elevation of the Hall, the ornate south-east front. In my view it detracts from the historic parkland setting of the listed building.
3. The proposed loft conversion would introduce large rooflights into the front and rear roof of No 17, which forms part of the south-east range of Carnarvon Court. The rooflights would be clearly seen above the parapet. They would be visible in the context of the listed building. In my view the rooflights proposed on both sides of the building would detract from the simple symmetrical form of the building. The additional clutter would tend to distract the eye, and add further harm to the setting of the listed building, particularly on the outer elevation, but also from within the courtyard. In this sensitive setting, even such a small change would have a detrimental effect. The setting of the listed building would not therefore be preserved, contrary to Environment Policy 13 of the South Derbyshire Local Plan and Environment Policy 10 of the Derby and Derbyshire Joint Structure Plan.
4. The appeal site also lies within the Bretby Conservation Area. For the reasons outlined above, I consider that the special architectural and historic character and appearance of the Conservation Area would not be preserved by the proposed rooflights.

5. Although Carnarvon Court has no rooflights, there are some on nearby buildings. The listed building itself has a rooflight fixed in the east elevation of the rear range. This is part of a room in the roof where it appears that the tall side windows have been cut across by an intermediate floor. It is in an asymmetric elevation and on a recessed slope. The Crescent is a recent development on the other side of the listed building and includes a number of rooflights on both sides. However, that development is set back from the listed building and screened by a bank of mature trees. In my view, neither example suggests that the appeal should be allowed.
6. Conversely, there is no reason why allowing the proposed would set a precedent for additional windows at Carnarvon Court. As the appellants suggest, any further application would be assessed on its own merits. Nevertheless, I find that even 1 or 2 rooflights would be harmful and this matter does not therefore affect my overall conclusion.



INSPECTOR