

24/07/2001

**Item** B1**Reg. No.** 9 2001 0144 F**Applicant:**

R Parkinson  
1, Potter Street  
Melbourne  
Derby  
DE731DW

**Agent:**

M J Harrison  
7 Hall Park  
Barrow On Trent  
Derby  
DE731DW

**Proposal:** The erection of a detached garage/workshop at the rear of the premises of J Parkinson Pharmacy 1 Potter Street Melbourne Derby

**Ward:** Melbourne

**Valid Date:** 05/03/2001

**Site Description**

The site is located at the centre of Melbourne within the built up area. It is occupied by an established vehicle repair yard, adjacent to the public car park in Chapel Street.

To the rear of the site there are dwellings constructed following the closure of Nixon Knowles timber yard.

The site is included within the conservation area.

**Proposal**

The proposed building would be located alongside the boundary of the site with the car park. It would be a single storey pitched roof structure in brick and plain clay tile and measures 13.1 metres by 6.7 metres and 5.1 metres at its highest point. It would be used in connection with the existing commercial use.

The land between the building and the boundary with the new houses in Jubilee Close would be about 9 m. The existing access adjacent to the telephone exchange would be used.

**Applicants' supporting information**

- a) There would be no increase in traffic to and from the premises because the new unit is required mainly to provide cover for the vehicles and parts that are presently parked, stored and worked on in the open.
- b) By transferring vehicles in to the unit any noise levels created would be kept to a minimum, as the building would be fully sound insulated.
- c) The remaining site area would be cleared of vehicles and tidied thus improving its appearance.

- d) The existing access from Chapel Street would be unaffected and is adequate for existing levels of traffic to and from the site.
- e) The site area for the parking of vehicles would be reduced so as to allow for the new building and access to and from the unit.
- f) There would be no increase in staff and work levels would remain the same.

### **Responses to Consultations**

The Parish Council and Melbourne Civic Society have no objection.

The Highway Authority objects because the development of further workshop facilities would be likely to generate an increase in vehicle movements at a substandard access.

In response to the applicant's supporting information the Highway Authority comments as follows:

- a) Whilst the applicant's statement about maintaining levels of activity is understood the situation could not be controlled or maintained in planning terms.
- b) Whilst there would be a reduction in available parking area within the site, vehicles could be displaced onto the adjacent public highway.

The Environmental Health Officer recommends changes to the position of the doors to the workshop and sound proofing and pollution control measures.

### **Responses to Publicity**

4 letters have been received from residents in Jubilee Close, objecting as follows:

- a) Residents presently experience substantial noise disturbance and fumes. The proposal would exacerbate these problems.
- b) The proposal would not preserve or enhance the conservation area.
- c) There would be overshadowing to adjacent property.
- d) Existing surface water drainage problems could be exacerbated.
- e) There would be loss of privacy to neighbours.
- f) Property values would be adversely affected. (This is not material to the determination of the application)
- g) There could be tree loss.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Economy Policy 4 and Environment Policy 9.

Local Plan: Employment Policy 5 and Environment Policy 12.

### **Planning Considerations**

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

- Residential amenity.
- The impact on the conservation area.
- Highway safety.

## Planning Assessment

In land use terms, the principle of the development is acceptable because the building would be ancillary to an existing use in a built up area.

Subject to incorporation of the recommendations of the Environmental Health Officer the proposal would not give rise to a material increase in disturbance or pollution such that it would have an adverse impact on the amenity of the adjoining residential occupiers.

Because of its height and position, the building is single storey and located away from residential properties, the building would not significantly affect light to the neighbouring dwellings. There would be no overlooking of adjacent property from the building and privacy would not be materially affected.

The building would be of simple form and design and subject to some amendments to the detail, which could be secured by condition, the building would have a neutral impact on the character and appearance of the conservation area.

Notwithstanding the comments made by the applicant, the proposal would be likely to lead to an intensification of the use of an existing substandard access. This would have an adverse impact on the safety of other users of the highway in this location and exacerbate an already unsatisfactory position. This view follows the advice of the Highway Authority.

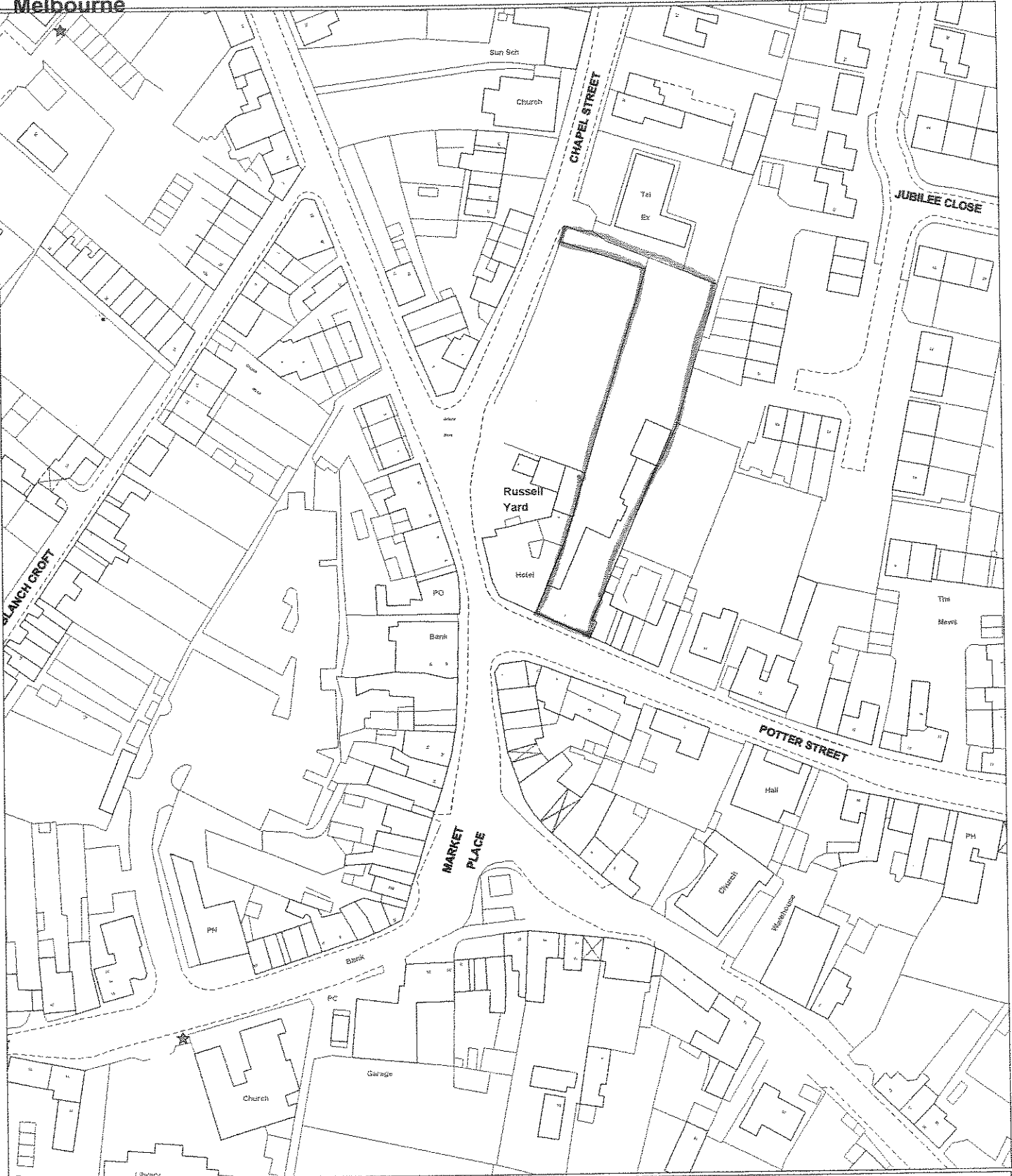
Consideration has been given to whether the situation could be controlled by condition. However, a condition that sought to control the management of the premises to ensure no increase in business would not meet the tests set out in Circular 11/95.

## Recommendation

**REFUSE** permission for the following reason:

1. The site is served by an access on to Chapel Street which is poorly aligned and where visibility for emerging drivers is compromised by the lack of control over adjacent land in both directions. The development of further workshop facilities would be likely to generate an increase in vehicle movements which, under the circumstances, would be potentially prejudicial to the best interests of highway safety.

**Title : 1 Potter Street  
Melbourne**



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Scale 1:1250

Date Plotted 2 8 2001

Plot centred at 438622 325255

User : jm



24/07/2001

**Item** A7**Reg. No.** 9 2001 0401 F**Applicant:**  
Mr & Mrs F Tyler  
C/o Agent**Agent:**  
Philip Billham Planning & Design  
Old School Lodge  
Aston On Trent  
Derbyshire  
DE72 2AF**Proposal:** Erection of a dwelling and attached garage in substitution of planning permission 9/0698/0263/F at Land To The South Of 42 Weston Road Aston-on-Trent Derby**Ward:** Aston**Valid Date:** 25/04/2001**Site Description**

The site forms part of the former garden to 42 Weston Road and it is located within a residential area. Its southern boundary is contiguous with the edge of the conservation area.

There is a conifer hedge on the north side of the wall that defines the edge of the conservation area and the boundaries to 30-38 Weston Road. The hedge is not in the conservation area. A number of conifers have recently been reduced in height to about 3 metres in height.

Access to the site is shared with three other dwellings.

**Proposal**

The applicant proposes to erect a two-storey building with narrow (5 metre gables) in an L shape, with 45 degree pitched roofs. There would be a conservatory at the rear and a single storey garage, attached to the building, at the front.

The maximum height of the dwelling would be 8 metres, this being that part of the building set at right angles to the southern boundary. The remainder of the dwelling would be about 7.2 metres in height, with a single storey garage to the front. The southern wall of the dwelling would be situated close to the southern boundary. This would result in the loss of about 11 metres of the conifer hedge.

Following discussion with the applicant's agent the proposed siting of the dwelling has moved 4.5 metres to the west of its original position to secure compliance with the Council's supplementary planning guidance on space about dwellings relative to 30 Weston Road.

A subsequent amendment has resulted in the omission of a dormer window facing 42 Weston Road, this being replaced with roof lights.

## **Applicants' supporting information**

- a) The house is designed to minimise any impact on 42 Weston Road.
- b) The design incorporates narrow gables to reduce bulk and height in order to minimise shadowing.
- c) Being due north of the houses on Weston Road there would be no effect on their gardens.
- d) The revised proposal satisfies the Council's space standards.

## **Planning History**

Outline permission for the erection of 4 houses in the grounds of 42 Weston Road was granted in 1988 (9/988/605) and renewed in 1991 (9/1091/0666/O). Two plots on the site have been developed. Permission was granted for the erection of a dwelling on the application site in 1993 (9/0593/0129/F). This was renewed in 1998 (9/0698/0263/R). The house type permitted is of suburban scale and character, with a roughly square plan form, set 2 metres in from the southern boundary. The permissions for the house were both subject to a condition requiring the conifer hedge to be retained at "its existing height", although the height of the hedge had apparently increased in the interim period. The reason for the condition, having regard to the design of the house and the proximity of the conservation area, was imposed in the interest of amenity and privacy.

## **Responses to Consultations**

The Parish Council objects strongly for the following reasons:

- a) The dwelling would be unacceptably close to neighbouring properties.
- b) The applicant has already removed some of the screening hedge, despite the condition attached to the previous permission requiring its retention.
- c) The removal of the conifers would have a severe impact on the conservation area.
- d) The objections of local residents are supported.

The Highway Authority and Severn Trent Water Ltd have no objection in principle.

## **Responses to Publicity**

Letters have been received from 6 local households, objecting in the following terms:

- a) There would be direct overlooking to habitable room windows, in conflict with supplementary planning guidance.
- b) There would be loss of light to habitable rooms.
- c) There would be total overshadowing to neighbouring property.
- d) The dwelling would be excessively large and out of keeping.
- e) The sewerage system is inadequate, indicated by recent problems.
- f) The access to the site is difficult, exacerbated by vehicles parked on the highway. The proposal would cause potential hazard.
- g) A 2 metre fence should be required along the adjoining boundary.
- h) The submitted plan fails to show other land owned by the applicant.
- i) The application fails to show trees to be lopped or felled. Full details should be submitted. The previous grant of permission required the conifer hedge to be retained in the interests of maintaining privacy. The current proposal would necessitate the removal of a large number of conifers, in breach of the conditions.
- j) The revised plans would necessitate the removal of three well-established trees, one of which is a horse chestnut tree. This would diminish the aesthetics of the site. The site is understood to be in a conservation area, which would necessitate a separate application.

- k) New trees shown on the plan would further reduce light to the adjoining dwelling.
- l) The revised plans make the loss of amenity to the adjoining dwelling worse and would cause severe problems to all surrounding neighbours.
- m) Some of the existing conifers, required to be retained pursuant to the previous permission, have already been lopped.
- n) The roof space to the dwelling would be used as a habitable room and there would be overlooking from the windows at second floor level.
- o) The proposal would be detrimental to the conservation area.
- p) The previous permission was more acceptable and of reasonable size.
- q) There would be loss of outlook from adjoining properties.
- r) The revised proposal would impair access along the private drive, by removing the turning area.
- s) The plans are inaccurate by showing more outbuildings on adjacent land than actually exist. Therefore the screening effect is not as great as implied in the drawings. A neighbour's conservatory is not shown either.
- t) A site visit should be undertaken.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Housing Policy 5 and Environment Policies 9 & 16.

Local Plan: Housing Policy 5 and Environment Policies 9 & 12.

### **Planning Considerations**

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

- Residential amenity.
- Impact on the character of the area, in particular with regard to the setting of the conservation area.
- Trees.
- Drainage.
- Highway safety.

### **Planning Assessment**

The site lies in the village confines and there is an extant planning permission to erect a dwelling on the site. Therefore the proposal is acceptable in principle.

The dwelling in its revised position satisfies space standards as set out in the supplementary planning guidance in respect of 28 – 38 Weston Road, subject to appropriate screen fencing to prevent overlooking from ground floor windows. The impact on these properties in terms of light and privacy is therefore acceptable. In terms of overbearing there would be minimal impact on 28-38 Weston Road, because the dwelling would be sited to the north and its mass, compared with the existing hedge, would be negligible. The southern (side) elevation to 42 Weston Road has a large patio window facing the site. The nearest part of the new dwelling to this window would be some 6 metres. This is less than the 12 metres normally sought to minimise overbearing. However there are other main windows in the east (rear) elevation of 42 Weston Road. The supplementary planning guidance makes allowance for such a situation and does not always seek to attain the guideline distances for side windows. Furthermore the dwelling already permitted would have a similar impact. The revised plan showing the omission of the dormer to

bedroom 2 would preclude overlooking to No 42 from first floor accommodation. Appropriate screen fencing would prevent overlooking from ground floor windows.

The design of the dwelling follows the principles set out in Historic South Derbyshire, featuring narrow gables and steep roofs, with the mass of the building broken down in to several elements. Traditional materials are proposed.

The proposal would necessitate the removal of some of the conifer hedge, exposing the building to views from the conservation area. The previous proposal would have benefited from the presence of the hedge, because its modern design would have made no positive contribution to the setting of the conservation area. However the current scheme is of an appropriate form to the conservation area. The dwelling would therefore not have an adverse on the character and appearance of the conservation area, even though it would be more visible therefrom.

The existing conifer hedge has attained substantial height (about 6 metres). It is planted at 2.5 metre centres. This close spacing means that the only green growth is on either side of the hedge. This type of conifer does not grow well when light is excluded and there is evidence of this where the hedge is growing next to the brick boundary wall. The erection of a dwelling on the site, as well as causing direct damage to the root systems, would also result in loss of light to the hedge. It is likely that a section of hedge as indicated on the submitted plan would be permanently lost. Whilst the hedge is not in the conservation area it is clearly visible from it. Whilst there is local opinion in favour of retaining the hedge in its current state, this type of conifer is generally considered to be alien to traditional areas. There was previously an arguable case to retain the hedge, to screen modern development behind but the design of the current proposal makes this less of an imperative. Left unchecked the hedge itself could become an incongruous and overbearing feature in the locality.

Severn Trent Water Ltd raises no concerns about sewerage disposal and there is no other evidence that the public system is inadequate.

On the advice of the Highway Authority, and having regards to the extant permission there would be no material impact on highway safety.

## Recommendation

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. T25.1/2 A received 15 June 2001; and T 25.1/4 A and T 25.1/3 B received 9 July 2001.

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

3. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is



occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority, and thereafter shall be retained as such.

Reason: In the interests of the appearance of the area and the privacy of adjoining occupiers.

4. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the building is in keeping with its surrounding in the interest of the character and visual amenity of the area.

5. A sample panel of pointing 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.

Reason: In the interests of the appearance of the building(s) and the locality generally.

6. Large scale drawings to a minimum Scale of 1:20 of external joinery, including 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.

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 building(s) 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 and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

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.

10. The windows in the first floor of the north wall and the second floor of the east wall of the building shall be permanently glazed in obscure glass.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

11. Unless as may otherwise be approved in writing by the Local Planning Authority the access shall be widened to 6 metres, laid out and surfaced with a solid bound material for a distance of 10 metres back from the highway boundary, and shall be provided with 2 m x 2 m x 45 degree splays either side at the entrance to the site in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

12. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), three parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.

Reason: To ensure that adequate parking/garaging provision is available.

13. Notwithstanding the submitted drawing, large scale drawings to a minimum Scale of 1:20 of eaves and verges shall be submitted to and approved in writing by the Local Planning Authority before building development begins and 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.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 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.

Title : Land to the south of 42 Weston Road  
 Aston on Trent



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Scale 1:1250      Date Plotted 2 8 2001

Plot centred at 441373 329461

User : jm



24/07/2001

**Item** B4**Reg. No.** 9 2001 0511 F**Applicant:**

Greatorex Building Services Ltd  
40  
Vauxhall Avenue  
Mackworth  
Derby  
DE22 4DE

**Agent:**

Matthew Montague  
Matthew Montague Architect  
127A Derby Road  
Duffield  
Derby  
DE56 4FQ

**Proposal:** The erection of a two bedroomed bungalow at Hilton Primary School Uttoxeter Road Hilton Derby

**Ward:** Hilton

**Valid Date:** 25/05/2001

**Site Description**

The site comprises the western portion of the former Hilton Primary School. A terrapin classroom occupied the land prior to the closure of the school. The west boundary is formed by a hedge and the south boundary is currently a chain link fence. There is a wall beyond the access drive that is the boundary to one of the dwellings created in the former school buildings. There is a new garage building, formed to serve the converted school, to the east of the site.

**Applicants' supporting information**

It is recognised that the site is outside the confines of the village but it is within the immediate curtilage of the primary school and would sit on the site of a former terrapin building that is readily identified on the O.S. extract of the site. This is a brown field site as defined in the latest issue of PPG 3. The Structure Plan requires development to be within or well related to existing settlements. Housing Policy 5 requires development to be well related to the wider physical confines of a village. In this case, the site satisfies these requirements. The access to the site has been improved following the grant of permission for the conversion of the school buildings and is capable of accommodating 5 dwellings. There is a high demand for this type of aged or disabled person accommodation. The design is fully in keeping with the existing buildings and would have little impact on the countryside as required by policy.

**Planning History**

Planning permission for the conversion and extension of the school building was permitted in May last year.

**Responses to Consultations**

Hilton Parish Council objects as the development is outside the village envelope.

Councillor Mrs Walton strongly supports the application on the basis that there is a need for such accommodation. The land used to have a building on it and it would be a bit of dead ground if its not built on.

The County Highways Authority has no objection subject to conditions maintaining visibility splays, parking and manoeuvring provision.

Severn Trent Water has no objection

### **Responses to Publicity**

None has been received. Any responses received will be reported at the meeting.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 & 3, Housing Policy 6.

Local Plan: Environment Policy 1, Housing Policy 8.

### **Planning Considerations**

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

- Compliance with the Development Plan
- Material planning considerations that dictate that permission may be granted if the proposal is contrary to the Development Plan.

### **Planning Assessment**

The site lies outside the village confines and within the countryside. In such circumstances it is a requirement of the Development Plan that any new dwellings are only permitted if there is a special justification related to the needs of an established rural enterprise. There is no such justification in this case and development on the site would be contrary to the provisions of the Development Plan.

The applicants have sought to justify the proposal on the basis that the site is part of the curtilage of the former primary school site and the land was occupied by a temporary building. There is also an assertion that there is a need for such accommodation in the village.

The site did form part of the curtilage of the former school and was formally occupied by a temporary building. Following its removal the land should have been restored to its former state. The definition of previously developed land, as set out in government guidance (PPG3), may include, in specific cases, the curtilage of the building. However, the advice in PPG 3 goes on to state that just because a piece of land is within the curtilage of a building does not automatically mean it is suitable for re-development. It specifically notes that where the footprint of the building only occupied a proportion of the site the whole site should not be developed. It goes on to state that the Local Planning Authority has to make a judgement but that the location of a site in the countryside is an important consideration in allowing development on any particular piece of land. In this case the site's location outside of any settlement, and the effect of the new dwelling on the countryside are overriding, outweighing the location of the site on the curtilage of the former school.

In granting permission for the conversion of the school buildings, a condition was attached to require the submission of a landscaping scheme for the area the subject of this application. This was done to ensure the residential use of the buildings would not have a significant impact on the countryside. Granting consent for this unit would remove the area that such an area of landscaping would occupy.

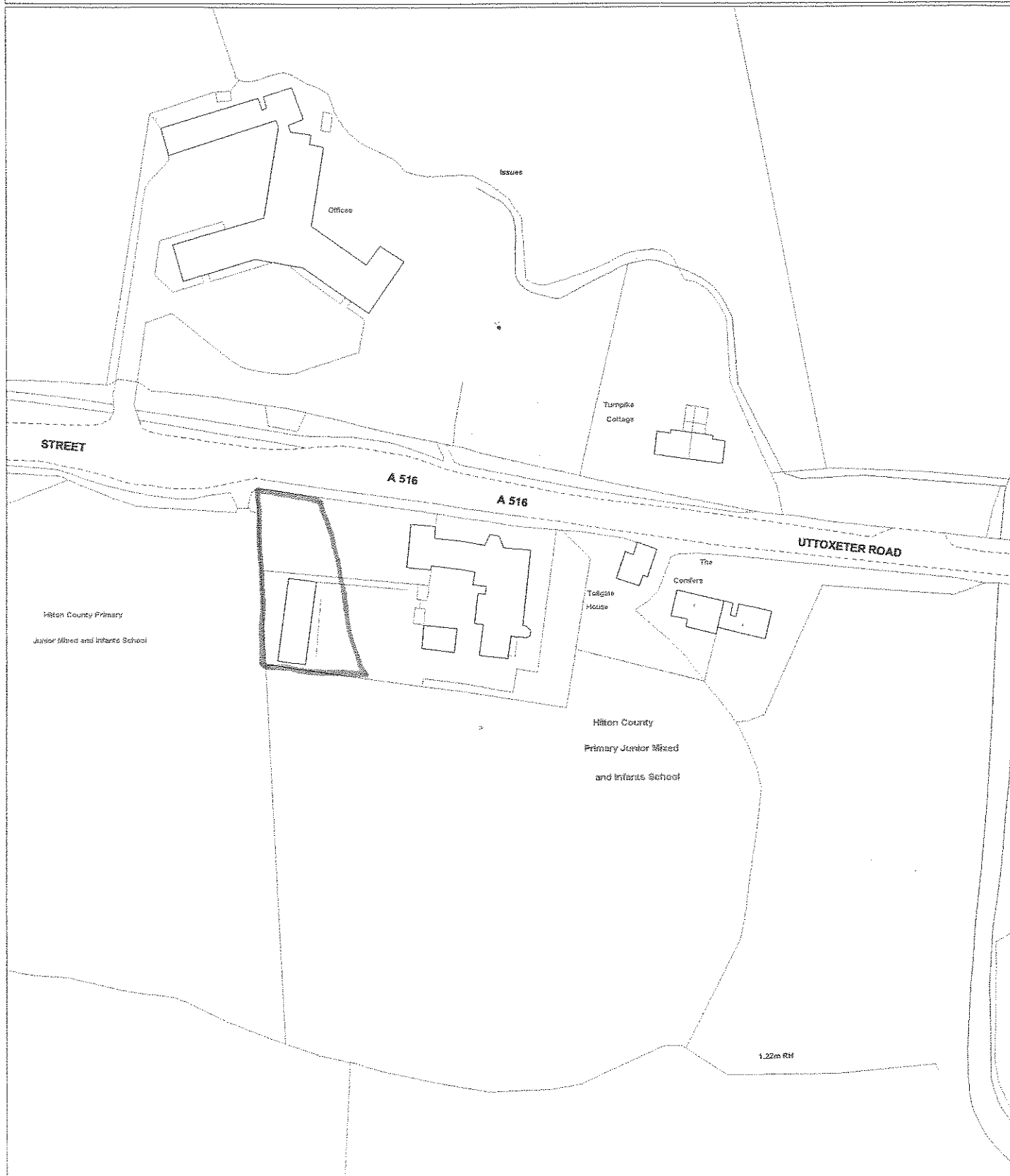
### **Recommendation**

**REFUSE** permission for the following reasons:

1. General Development Strategy Policy 1 of the adopted Derby and Derbyshire Joint Structure Plan requires that development will respect the principles of sustainable development. General Development Strategy Policy 4 of the same Plan requires that in the countryside development will be permitted if it can be shown appropriate to the location and can be designed and positioned to minimise impact on the environment. Structure Plan Housing Policy 6 states that housing development will be permitted only if it can be shown to be necessary for the operation of a rural based activity and that a location outside a settlement is essential. There is no such justification for the erection of a dwelling in this site outside the village confines and the proposal is contrary to the above policies and it would adversely affect the character and appearance of the area..

2. Environment Policy 1 of the adopted South Derbyshire Local Plan requires that outside settlements new development will not be permitted unless it is essential to a rural based activity or is unavoidable in the countryside and the character of the countryside, landscape quality, wildlife and historic features are safeguarded and protected. Housing Policy 8 requires that housing development is necessary to the operation of a long term established rural based activity, a countryside location is necessary to the efficiency of the activity, the site is well related to buildings and the dwelling is of a size commensurate with the functional requirement of the activity. In the absence of any justification for the erection of a dwelling to meet the needs of an established rural business, the proposal is contrary to the above policies and it would adversely affect the character and appearance of the area.

# Title : Hilton Primary School



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Scale 1:1250 Date Plotted 2 8 2001

Plot centred at 424011 330633

User : jm



24/07/2001

**Item** A12**Reg. No.** 9 2001 0488 R**Applicant:**

Mr T S Read  
 2A Jacksons Lane  
 Egginton Road  
 Etwall  
 Derby  
 DE656NQ

**Agent:**

Mr T S Read  
 2A Jacksons Lane  
 Egginton Road  
 Etwall  
 Derby  
 DE656NQ

**Proposal:** The renewal of planning permission 9/0698/0202/F for the retention of a mobile home at 2a Jacksons Lane Egginton Road Etwall

**Ward:** Etwall

**Valid Date:** 22/05/2001

**Joint with** 9/2001/0500

**Site Description**

The site, the subject of this submission, forms a small gap between two sets of cottages in the countryside to the south of Etwall. The proposal is to retain a mobile home on the site that has benefited from various temporary planning permissions since 1973. The last of these was granted in 1998.

**Planning History**

Permission was first granted for the mobile home in 1973 when it was described as being temporary whilst a permanent dwelling was constructed. There have been various renewals of temporary permission since that time. The permission for the permanent dwelling has now lapsed and the reinstatement of that permission is sought in the sister application to this one. (Application reference 9/2001/0550 refers)

**Responses to Consultations**

Etwall Parish Council and the County Highways Authority have no objection

**Structure/Local Plan Policies**

The relevant policies are:

Planning Policy Guidance Notes 3 & 13 (PPG3)

Joint Structure Plan: General Development Strategy Policy 1 & 4, Housing Policy 6

Local Plan: Environment Policy 1 & Housing Policy 8



## Planning Considerations

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

- Conformity with the Development Plan
- Whether the personal circumstances previously used to justify the renewal of permission still pertain
- The length of any renewal of temporary permission

## Planning Assessment

The site is located within the countryside where new residential development is generally strictly controlled. Therefore, in principle, the use of the land for the siting of a residential caravan is contrary to planning policy.

Whilst planning consent has continuously been granted on this site the planning policy circumstances have changed considerably since the last permission was granted for the mobile home particularly in terms of national planning policy guidance. As such the continued use of the site for the siting of the mobile home would be contrary to local policies and those of central government concerning sustainability.

In this case no justification has been put forward regarding why the permission should be renewed and no special case made out in terms of the need to live on this site to meet farming or forestry needs. In any case, personal circumstances, even if submitted, are generally not sufficient justification for granting permission.

Additionally, this location fails to meet the locational requirements of PPG 3 and there is total reliance on the private motor car for all the needs of the dwelling contrary to the aims of PPG 13. In addition, there is the above-mentioned policy that does not allow for residential development in the countryside except if it is necessary for the operation of an established rural business.

A mobile home has been on this site for many years now and the applicant has sought renewal at the appropriate times. If the national and local policies are to be applied and permission is refused, then there remains the question of ensuring that the applicants have sufficient time to find alternative living accommodation. A period of 6 months would seem appropriate from the date of any refusal of permission. The decision would make it clear that the permission is granted solely on this basis and that no more temporary permissions will be granted.

## Recommendation

**GRANT** permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 January 2002 on or before which date the structure shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: In the absence of a reasoned justification for the retention of the dwelling in the countryside, permission is granted for 6 months to enable you to find alternative living accommodation. A request for a further extension is unlikely to be considered favourably for the reason that there is no justification for a dwelling to be located here under the provisions of Planning Policy Guidance Notes 3 & 13, General Development Strategy Policies 1 & 4 & Housing Policy 6 of the adopted Structure Plan and Environment Policy 1 & Housing Policy 8 of the adopted South Derbyshire Local Plan.

24/07/2001

**Item** B3**Reg. No.** 9 2001 0500 F**Applicant:**

Mr Mrs T S Read  
 2A, Jacksons Lane, Egginton Road  
 Etwall  
 Derby  
 DE656NQ

**Agent:**

Mr Mrs T S Read  
 2A, Jacksons Lane, Egginton Road  
 Etwall  
 Derby  
 DE656NQ

**Proposal:** The erection of a detached house on land at 2A Jacksons Lane, Egginton Road Etwall Derby

**Ward:** Etwall

**Valid Date:** 24/05/2001

**Joint with** 9/2001/0488

**Site Description**

See 9/2001/0488

**Planning History**

Planning permission was first granted on the site for the erection of a dwelling in the 1970's and renewed on subsequent occasions. Currently there is no extant permission on the site, the last one having expired some years ago.

**Responses to Consultations**

Etwall Parish Council, the County Highways Authority and the Environment Agency have no objection subject to conditions.

**Structure/Local Plan Policies**

The relevant policies are:

Planning Policy Guidance Notes 3 & 13

Joint Structure Plan: General Development Strategy Policy 1 & 4, Housing Policy 6

Local Plan: Environment Policy 1 & Housing Policy 8

**Planning Considerations**

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

- Conformity with the Development Plan and any material considerations that might dictate a decision not in conformity with the Development Plan.

## Planning Assessment

The site is located within the countryside where there is generally a presumption against new residential development unless special justification is shown. In this case no such case has been made. As such the submission, in principle, is contrary to planning policy.

Whilst there has been a long term permission for a dwelling on this site, that has now expired. In addition, the advice in PPG 3 is that Local Planning Authority's should review all applications to renew permission in the light of the advice in the Guidance. This is to enable them to be considered against up to date policy advice and particularly the policies relating to the re-use of previously developed land and sustainability.

In this case, there are no criteria in the Guidance that would support the grant of planning permission in this countryside location as the site is located away from any settlements, in an area where new housing is generally restricted and it is not sustainable.

Therefore, it is inappropriate to grant a further permission on this site for the erection of a dwelling house.

## Recommendation

**REFUSE** planning permission for the following reasons:

1. General Development Strategy Policy 1 of the adopted Derby and Derbyshire Joint Structure Plan requires that development will respect the principles of sustainable development. General Development Strategy Policy 4 of the same Plan requires that in the countryside development will be permitted if it can be shown appropriate to the location and can be designed and positioned to minimise impact on the environment. Structure Plan Housing Policy 6 states that housing development will be permitted only if it can be shown to be necessary for the operation of a rural based activity and that a location outside a settlement is essential. There is no justification for the erection of a dwelling in this countryside location and in the absence of any justification the proposal is contrary to the above policies as it would represent an unnecessary intrusion into the countryside to the detriment of the character of the area and represent unsustainable development that would result in an unacceptable dependence on the use of private motor vehicles.
2. Environment Policy 1 of the adopted South Derbyshire Local Plan requires that outside settlements new development will not be permitted unless it is essential to a rural based activity or is unavoidable in the countryside and the character of the countryside, landscape quality, wildlife and historic features are safeguarded and protected. Housing Policy 8 requires that housing development is necessary to the operation of a long term established rural based activity, a countryside location is necessary to the efficiency of the activity, the site is well related to buildings and the dwelling is of a size commensurate with the functional requirement of the activity. In the absence of a justification for the dwelling as required by the policies, the proposal is contrary to the above policies and would represent an unwarranted intrusion into the countryside to the detriment of the character of the area.

Title : 2A Jacksons Lane  
Egginton Road  
Etwall



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Scale 1:1250 Date Plotted 2 8 2001

Plot centred at 427381 330786

User : jm

