

29/07/2003

Item 1.3**Reg. No.** 9 2003 0671 R**Applicant:**

Brandons Poultry Ltd
 Holly Bank Farm
 Scropton
 Derbyshire
 DE65 5PS

Agent:

GVA Grimley
 3 Brindleyplace
 Birmingham
 B1 2JB

Proposal: The renewal of planning permission 9/2001/0332/F for the retention of a water detention pond, installation of a sump and soakaway system at Brandons Poultry Limited Hollybank Farm Scropton Road Scropton Derby

Ward: North West

Valid Date: 29/05/2003

Site Description

The site comprises an existing lagoon enclosed by mounding. It lies in open countryside to the south-east of the existing Brandon's factory site. The site is located immediately to the south of the railway line.

The site lies within the flood plain of the River Dove. Hedges otherwise enclose the site.

Proposal/Applicants Supporting Information

The applicants are aware of the concerns that the works associated with a permission to install a reed bed drainage system have not been fully implemented. In order to fully implement that permission it is necessary to retain this lagoon for a further temporary period. The lagoon should have been removed by 31 May 2003 or an application made before that date to retain it.

The partial implementation of the permission for the screen, sludge tank and reed bed means that the permission is permanent. The receivers have kept the business running and the original workforce remains in place. The receivers wish the business to continue and have asked for a further temporary permission until the reed bed is installed. The receiver's agents are in talks with the Environment Agency and suppliers to ensure that a working scheme can be put in place that would satisfy future purchasers of the business.

It is suggested that the permission be granted for a 1 year period in which time either the receivers or potential purchasers would install the reed bed and then remove the lagoon as originally envisaged.

The applicants are aware that the regularisation of the water disposal system is an important factor and the receivers are seeking quotes for the works to be carried out by themselves or the new owners.

The applicants hope that the Local Planning Authority will accept that efforts are being made to resolve the drainage situation at the site.

Planning History

The lagoon was created originally without the benefit of planning permission. An Enforcement Notice was served and a subsequent application for the retention of the lagoon granted temporary planning permission as described by the applicant's above. That permission expired on 31 May 2003 but the applicants made an application to further retain it before the permission expired, this extends the length of the permission pending the determination of the application.

Responses to Consultations

Foston and Scropton Parish Council is only too aware that the residents of the village, in particular, of Scropton Road are continuing to suffer from the smells that emanate from Brandons Poultry lagoon. The Parish Council considers that if this folly of an application is passed then the parishioners should be given firm and definite assurances as to the steps that SDDC will take to regulate the nuisances that are currently caused to residents should they persist. The previous application has lapsed and assurances are sought to ensure that a further lapse will not occur. The nuisances have been well documented and reported to the Environmental Health Dept, but still the odours persist. The Parish Council would wish to see the setting of a firm date for the works to be completed and the odour to cease and should this not be achieved, then a prosecution should be brought. It is with interest that the Parish Council considered this application as DCC, when discussing flooding and drainage issues, had informed the Parish Council that a soakaway on this land was not a viable proposition because of the ground conditions

The County Highways Authority has no objection.

The Environment Agency does not object to the development but the applicant is advised to contact its Environment Protection Officer to discuss specific requirements relating to the Discharge Consent. From a land drainage aspect, the existing bund around the lagoon will need to be lowered in the south-eastern corner to allow natural floodplain storage capacity to be restored. However, this must not be done before the lagoon is drained in order to safeguard against pollution. An appropriately worded condition will be required to ensure the timing of the floodplain restoration, related to the provision of the reed bed, sump and soakaway.

Severn Trent Water, Railtrack and the Environmental Health Manager responses will be reported at the meeting if available.

Responses to Publicity

Four letters have been received that object to the application on the following grounds: -

- a) Despite the dry weather and the low levels of working the lagoon has remained full, the Local Planning Authority should review the fundamental principle underpinning waste disposal at this site. It shows that the soakaway system will not work. The County Highways Authority undertook survey work within 100m of the site and found that the water

- b) table was too high to allow such a system to take highway drainage. The situation at the application site cannot be much different. The lagoons have also affected land drainage in the area. The lagoon has affected other premises drainage systems resulting in those occupiers having to adjust their systems to try to correct the situation.
- c) The lagoons smell. This has persisted over the years even with the measures that have already been put in place. The removal of solids is not working and blood and fat continue to be pumped into the lagoons. The smells prevent people enjoying their gardens. This is an infringement of their rights and nothing seems to have been done by the Authority to end this imposition. There has been a lack of monitoring of the situation and now residents are faced with yet another application.
- d) The smells are affecting workers at nearby businesses working days have had to be shortened to remove workers from the smells. The nearby nursery is losing business because of the smell.
- e) Mr Brandon should not be allowed to get away with cheap but short term fix solutions the whole site should be reassessed and a proper long-term drainage solution found.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4

Local Plan: Environment Policy 1

Emerging Local Plan: Policy ENV 7

Planning Considerations

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

- The need for the development in the countryside.
- The impact of the development on the area
- The affect of the development on nearby residents.

Planning Assessment

The policies of the development plan seek to restrict development in the countryside to that requiring such a location.

In this case, the lagoon, the subject of this application, was originally constructed to overcome wastewater problems occurring at the applicant's factory. The works were carried out without the benefit of planning permission.

An enforcement notice has been served requiring the removal of the lagoon as stated above. Since that time, the applicant has partially implemented the permission for the screen, sump and reed bed application. The reed bed being the part of the application that has not been implemented. (Reg. No: 9/2001/0082 refers)

The intention of the then applicant 2 years ago was that this lagoon be retained so that the effectiveness of the new drainage system could be assessed. This has patently not been possible, as the reed bed was not implemented. The business has continued to rely on this lagoon and not attempted to implement the reed bed. The business has subsequently gone into liquidation and

the receivers have noted the omission and state that it is their intention to rectify the situation in respect of the reed bed.

The applicants have requested a further year's temporary permission to establish the reed bed and ensure that the factory remains in production. The Environment Agency is satisfied that the proposal would be acceptable and the views of the Environmental Health Manager will be reported at the meeting. The objectors are stating that the smells have persisted despite the measures put in place in partial implementation of the screen and sump and reed bed proposal.

In discussions with Environmental Health officers, it has been apparent that complaints had reduced following the partial implementation of the previous scheme. They have arisen again following the submission of this proposal. This is not to say that there are not smells, there clearly are. There are numerous other sources of potential smells in this area, including the turkey buildings at Holly Bank Farm and other farms in the area that have livestock. No doubt, the views of the Environmental Health Manager will advise whether the factory is the primary source of the smells.

The ultimate aim of the proposal is to remove the 'unauthorised' lagoon and bring about the restoration of the floodplain in this area. The method of achieving this was agreed in 2001 but the permission was not fully implemented. The basic scheme of drainage has not been fully tested and there is no reason to doubt that the full implementation of the scheme would do anything other than provide an adequate drainage system for the site. It was after all designed in consultation with the Environment Agency. The comments of the objectors on the ability of the land to soak away the water are noted but the reed bed should in conjunction with the remaining area of original lagoon provide the necessary soakaway area. Once the water has passed through the reeds it should be clean enough to discharge direct to the watercourse.

The situation is not very satisfactory and the partially implemented scheme should have been fully implemented. Powers are available to the Local Planning Authorities to require that development is completed but these are rarely used. The current 'owners' appear anxious to ensure that the development is completed and the only way forward would be to allow the lagoon to be retained for a further period to allow the works to continue whilst attempts to find a buyer for the factory are made. This would appear to offer the best prospect for moving things forward in the interests of the scheme being completed and the odour problem alleviated.

Recommendation

GRANT permission subject to the following conditions:

1. This permission, with regard to the lagoon and its associated embankments, shall be for a limited time period only, expiring on 31 July 2004 on or before which date the lagoon and all associated works including the embankments, shall be removed from the land and the site reinstated in accord with a scheme of works, including a time scale for the works, that shall be first submitted to and approved in writing by the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.
1. In order that the effectiveness of the soakaway system can be assessed with a view to the full restoration of the land to the floodplain.

2. Notwithstanding the originally submitted details, this permission shall relate to amended drawing no. 639/SS/2 that was submitted under cover of a letter dated 4 May 2001 from Talbot Associates relating to the previous application 9/2001/0332/F.
2. Reason: For the avoidance of doubt.

29/07/2003

Item 1.4**Reg. No.** 9 2003 0679 U**Applicant:**

Mr B Samrai Mrs H Bria
 9, Tavistock Close
 Stenson Fields
 Derby
 DE243LN

Agent:

Mr B Samrai Mrs H Bria
 9, Tavistock Close
 Stenson Fields
 Derby
 DE243LN

Proposal: Change of use of garage to office and workshop for repairing and building computers at 9 Tavistock Close Stenson Fields Derby

Ward: Stenson

Valid Date: 09/06/2003

Site Description

The property is a modern detached house at the end of a cul-de-sac. Access is via a shared private drive. There is a hardstanding for two vehicles in front of the existing double garage.

Proposal

The proposal would involve the use of the garage for the building of computers. No external alterations are proposed.

Applicant's Supporting Information

- a) The garage was altered by the previous owners to form a playroom.
- b) The garage doors will not be removed as these will be needed for the loading of goods when taking computers to the market for sale.
- c) No sales will be conducted from the premises, as all goods will be sold via mail order and local delivery.
- d) Some customers may require technical consultation at the premises when choosing a system or components.
- e) Approximately four deliveries per month are received, by a Transit LWB van.
- f) Approximately three clients per week visit for consultation.

Responses to Consultations

The Parish Council is concerned that a precedent may be set for commercial uses in the area.

The Highway Authority has no objection subject to permission being time limited to enable the impact to be assessed in terms of the potential for on-street parking.

Responses to Publicity

Four letters have been received objecting as follows:

- a) This is a residential area and the deeds to properties prevent business use.
- b) There would be increased vehicular movement, causing parked vehicles on the highway and restricted access for emergency and other vehicles.
- c) The extra traffic and parking would cause a danger to pedestrians, including children.
- d) There would be loss of on site parking.
- e) A precedent would be set for other commercial development.
- f) There are already parking problems associated with the site.
- g) The activity that has taken place since January 2003 is beyond that stated in the application. There are significant numbers of customers. They cause significant disturbance and noise.
- h) Council tax should be reduced for residents if the use is allowed.
- i) There are many vacant business units that the applicant could use.
- j) The situation will become worse if the business expands in later years.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 5.

Planning Considerations

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

- The principle of development.
- Residential amenity.
- Highway safety.

Planning Assessment

The Structure Plan reflects PPG4, which encourages small businesses working from home. If such a use can be carried on without causing injury to local amenities or the environment then it is capable of being acceptable in principle. However PPG4 also states that local planning authorities should take steps to ensure that such developments are effectively controlled

On the basis of the applicant's supporting information the proposal is unlikely to adversely affect the residential character of the property. However residents' concerns reflect that the potential for a use of this kind to escalate to a point at which it is no longer compatible with a residential area to the extent that the living conditions of near neighbours becomes adversely affected. In this case there is a gap between the applicant's statement and those of residents. As such it would be prudent to allow the use to proceed with a limit on time to enable the Local Planning Authority to assess the impact of the development over a year.

On the advice of the Highway Authority there would be no demonstrable harm to highway safety at present. This could be similarly reviewed by the use of an appropriate condition.

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.

Responses to Publicity

Four letters have been received objecting as follows:

- a) This is a residential area and the deeds to properties prevent business use.
- b) There would be increased vehicular movement, causing parked vehicles on the highway and restricted access for emergency and other vehicles.
- c) The extra traffic and parking would cause a danger to pedestrians, including children.
- d) There would be loss of on site parking.
- e) A precedent would be set for other commercial development.
- f) There are already parking problems associated with the site.
- g) The activity that has taken place since January 2003 is beyond that stated in the application. There are significant numbers of customers. They cause significant disturbance and noise.
- h) Council tax should be reduced for residents if the use is allowed.
- i) There are many vacant business units that the applicant could use.
- j) The situation will become worse if the business expands in later years.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 5.

Planning Considerations

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

- The principle of development.
- Residential amenity.
- Highway safety.

Planning Assessment

The Structure Plan reflects PPG4, which encourages small businesses working from home. If such a use can be carried on without causing injury to local amenities or the environment then it is capable of being acceptable in principle. However PPG4 also states that local planning authorities should take steps to ensure that such developments are effectively controlled

On the basis of the applicant's supporting information the proposal is unlikely to adversely affect the residential character of the property. However residents' concerns reflect that the potential for a use of this kind to escalate to a point at which it is no longer compatible with a residential area to the extent that the living conditions of near neighbours becomes adversely affected. In this case there is a gap between the applicant's statement and those of residents. As such it would be prudent to allow the use to proceed with a limit on time to enable the Local Planning Authority to assess the impact of the development over a year.

On the advice of the Highway Authority there would be no demonstrable harm to highway safety at present. This could be similarly reviewed by the use of an appropriate condition.

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. This permission shall be for a limited period only, expiring on 31 July 2004 on or before which date the use shall be discontinued 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.
1. Reason: To enable the Local Planning Authority to assess the impact of the development on the amenities of local residents and on street parking.
2. Unless as may otherwise be approved in writing by the Local Planning Authority, within one month of the date of this permission 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.
2. Reason: To ensure that adequate parking/garaging provision is available.

29/07/2003

Item 1.5**Reg. No.** 9 2003 0684 FH**Applicant:**

Mr Graeme Makepeace
 14, Risborrow Close
 Etwall
 Derby
 DE656HY

Agent:

Mr Graeme Makepeace
 14, Risborrow Close
 Etwall
 Derby
 DE656HY

Proposal: The erection of an extension at 14 Risborrow Close Etwall
 Derby

Ward: Etwall

Valid Date: 02/06/2003

Site Description

The site is a detached house on the edge of a housing estate. At right angles to and partly facing the flank of the house is a block of former stable buildings converted into four living units. It is believed that the four units are shortly to be occupied as a single dwelling which in itself would not require a further planning permission. The converted stables have gardens at only some 3.9 metres in depth up to the northern flank boundary of the applicant's plot. The applicant's house is at a slightly lower level than the stable conversion.

Proposal

The proposal involves a flank, part two-storey extension towards the common boundary with the stable conversion. This would have a roof hipped down from the existing gable and a single storey pitched roof garage projecting towards the road. The whole extension would be partly within direct line of sight of windows in the southern elevation of the stable conversion.

Planning History

None.

Responses to Consultations

Etwall Parish Council has no objection.
 The County Highway Authority has no objection subject to the provision of three parking spaces.

Responses to Publicity

Three letters has been received expressing concern that:

- The extension of the garage in front of the building line should be resisted

- The restoration of old cars would be closer to their property
- The capacity of the drive to accommodate such vehicles would result in further blocking of drives and as such the LPA should assert that no plant, machinery etc. should impair driveway access.
- The proposal would seriously overshadow and affect light and outlook from the adjacent property, and fall short of the requirements set out in the SPG.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

Emerging Local Plan: Policy ENV 21.

Planning Considerations

The main issue central to the determination of this application is the impact of the extension on the residential amenity of the occupiers of nearby dwellings.

Planning Assessment

The relevant SPG states that with two sites at the same level there should be a distance of 9 metres between secondary and side aspects. It is considered that as the lounge in one of the residential units to the east is a through room it is more of a secondary rather than a main aspect facing the proposed extension. The second storey of the extension would commence at approximately 8 metres away from the southern elevation of the converted stables and slope away towards the existing gable end where it would be at full two-storey height at approximately 11 metres away. Although somewhat below the distance, the second storey element would thus largely recede into the background of the former gable wall, there being little loss of view at this point. The remainder of the extension would be at ground floor level and the ground floor level of the applicant's property is somewhat below that of the conversion to the east.

On balance therefore, the application is considered acceptable subject to the imposition of a condition requiring the deletion of a first floor rooflight which could overlook the conversion.

Comments relating to any current or future breach of control could be the subject of appropriate investigation and enforcement action.

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

- A. Grant delegated powers to the Planning Services Manager to deal with any new material issues raised as a result of neighbour responses received within the consultation period yet to expire.
- B. Subject to A. **GRANT** permission subject to the following conditions:
 1. The development permitted shall be begun before the expiration of five years from the date of this permission.
 1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. Notwithstanding the submitted details, the window shown in the northern elevation of the proposed extension shall be omitted, unless otherwise agreed in writing with the Local Planning Authority.
3. Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

29/07/2003

Item 1.6**Reg. No.** 9 2003 0725 R**Applicant:**Trustees Of Melbourne Estate
C/O Agent**Agent:**Fisher German
The Grange
80 Tamworth Road
Ashby De La Zouch
Leicestershire
LE65 2BN

Proposal: The variation of Condition 1 to extend the time period for the submission of reserved matters of planning permission 9/1294/0792/O for the use of business/industrial/storage and distribution purposes (use Classes B1, B2 and B8) of approximately 4.8 hectares of Land To The East Of Station Road Melbourne Derby

Ward: Melbourne**Valid Date:** 10/06/2003**Site Description**

The site comprises fields, abutting the existing industrial estate to the west and dwellings to part of the northern boundary. The remainder of the northern boundary is continuous with Station Road and the eastern boundary abuts open land.

Proposal

The application has been accepted under Section 73 of the 1990 Act, to vary condition 1 to enable the period for the submission of reserved matters to be extended.

Applicants' supporting information

- a) The Trustees of the Melbourne Estate are keen to progress the matters upon the site as soon as the Inspector's Report is available in respect of the current Local Plan Review and the potential for mixed use development is determined.
- b) The Trustees wish to maintain the current permission in order to maintain some form of development for the site and clearly the site is already allocated in the adopted local plan for employment use.
- c) Whether the site should provide for a form of mixed use development will be highly material to the eventual layout of the development and it is clearly premature to provide Reserved Matters to the existing permission at this time.
- d) Therefore the applicant seeks to extend the time period for the provision of the Reserved Matters in order for the need to await the inspector's recommendations as to the potential for mixed use of the site.

Planning History

Permission was granted (9/1294/0792/O) subject to a Section 106 Agreement requiring landscaping to be provided and maintained. Condition 1 was varied to enable the submission of Reserved Matters prior to 5 March 2004 (9/2001 0060/R). The latter was granted in 2001, prior to the publication of the first deposit draft local plan. The applicant has objected to the local plan and has proposed mixed development to the Local Plan Inquiry.

Responses to Consultations

The Parish Council has no objection but requests that future plans should recognise the need for parking facilities for parents bringing children to the rear entrance of the school.

Melbourne Civic Society and the Environmental Health Manager have no objection.

The Environment Agency raises a holding objection pending the submission of a flood risk assessment, in accordance with PPG25.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 5, Transport Policies 1 & 4 and Environment Policy 16.

Local Plan: Employment Policy 5, Transport Policy 6 and Environment Policy 9.

Draft Local Plan: ENV3 & 7, T1 and EMP2.

Planning Considerations

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

- Whether there is any material change in circumstances since the previous decision.

Planning Assessment

When the previous extension of time was granted the site remained allocated in the adopted local plan for employment development. This is still the case. However the draft local plan seeks to remove reference to the site for development. Therefore there is a case to withhold the grant of extended permission on this site. Nevertheless the current outline permission is still extant and the applicant has until March 2004 to submit an application for the approval of Reserved Matters. This course of action would then keep the permission valid for another two years. The applicant is presently awaiting the Inspector's response to the Local Plan. The production of Reserved Matters drawings at this stage would potentially result in substantial abortive design work. As the Local Plan process will have introduced uncertainty for about two years this would appear to be a reasonable period to extend the life of the outline permission.

Under the above circumstances it is considered that it would be unduly onerous to seek a flood risk assessment at this stage, as it is clearly open to the applicant to submit a reserved matters application under the terms of the existing 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. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
(b) The development hereby permitted shall be begun either before the expiration of four years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
1. Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

Informatives:

You are advised that this decision grants permission only for the variation of Condition 1 of the outline planning permission referenced 9/1294/0792/O. All the other conditions attached to that permission remain in full force and require full compliance.

29/07/2003

Item **2.1**
Reg. No. **9 2002 1222 F**

Applicant:
 Mr T Garner
 Home Farm, Foremark
 Milton
 Derby
 DE656EJ

Agent:
 E. Lee
 Mr. Eric J. Lee
 Pennside
 Penn Lane
 Melbourne
 Derbyshire
 DE73 1EP

Proposal: **Conversion into a dwelling of a farm building at Home Farm
 Foremark Milton Derby**

Ward: **Repton**

Valid Date: **19/11/2002**

Site Description

The subject building is a traditional cart hovel with a more modern building (pigsty) in poor condition adjacent, set about 75 metres to the south-west of Home Farmhouse, a Grade II Listed Building. Access to the site is via a long track, which also serves the rear entrance to Foremark Hall. The nearest serviced settlement is Repton, some 3.5 km distant. Some of the existing buildings in the farmyard have been converted.

Proposal

The application seeks to convert the existing cart hovel. The more modern building would be demolished and replaced with a new extension that would form part of the dwelling.

Applicant's Supporting Information

- a) The applicant is prepared to forego the extant permission for holiday permission (5 units) and enter into a legal undertaking to this effect.
- b) The proposal would have a lesser impact than the previously permitted proposals, both in relation to traffic generation and to the existing site situation. All of the access roads and car standings exist and there would be little change to the site.
- c) The rebuilding of the pigsty would enable better connection to the main part of the buildings.

Site History

Permission was granted in 1991 for the conversion of one of the outbuildings to a permanent residence and several others to holiday accommodation (9/0691/0249/F). The development has been implemented with the exception of a long single storey range, which would have provided

five small holiday lets. Because development was commenced the applicant is still at liberty to implement conversion of the five holiday lets.

In 2001, advice was given to the applicant that an argument could be made to convert the subject barn to a dwelling if the permission for the five holiday lets were to be given up. The advice was given on the basis of the adopted Local Plan (Housing Policy 7 and PPG3 and 7). In the interim the replacement Local Plan has been through two stages of publicity (1st Deposit Draft January 2002 and 2nd Deposit Draft January 2003) and has assumed greater weight.

Responses to Consultations

The Highway Authority considers that traffic generation would be similar to the five holiday lets and raises no objections, subject to the conditions relating to access improvements which were included in the earlier permission.

The Environment Agency seeks an assessment of the impact of the proposed septic tank.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 & 4, Housing Policy 6 and Environment Policy 10.

Local Plan: Housing Policies 7 & 8 and Environment Policy 13.

Planning Considerations

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

- The principle of development.
- Impact on the countryside.
- Impact on the setting of the listed building.
- Highway safety.
- Drainage.

Planning Assessment

The main issue is the principle of development. Home Farm has been subject to previous permissions to convert outbuildings for mixed purposes of private dwelling and holiday lets. These were allowed when the policy for the conversion of redundant farm buildings was more positively aimed at residential afteruses. The proposal would comply with Housing Policy 7 of the adopted Local Plan. Since the publication of the replacement Local Plan the Council has applied Housing Policy 1 for the purposes of development control, because this has been drafted to accord with PPG3. This takes into account the government's policy of aiming to reduce the need to rely on the private car in the interests of sustainable development. The government has made it clear that PPG3 should supersede any out of date adopted Local Plan policies. Housing Policy 1 now identifies specific settlements where residential conversion may be acceptable, but only after it has been demonstrated that commercial uses are not acceptable. Whilst there is the unimplemented extant permission for holiday lets to consider, this kind of development remains in accord with the development plan and PPG7. On balance the weight of contemporary policy,

in line with PPGs 3 & 7, overcomes the benefits in principle of relinquishing the right to implement the holiday lets permission.

The proposal would maintain the simple agricultural character of the building and would unitise existing hard surfaced yards. Its curtilage would be limited in size and visibility. The other converted barns in the complex fit in well with the rural setting. The impact on the character of the countryside would therefore be acceptable.

For similar reasons the impact on the setting of the listed building would be minimal and the retention of a part of former farm group would retain evidence of the extent of the traditional buildings at Home Farm.

On the advice of the Highway Authority there would be no harm to safety if the applicant agreed to forego the holiday let permission.

The matter of drainage could be resolved through the imposition of an appropriate condition.

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

Recommendation

REFUSE permission for the following reason:

The proposal is not in accord with Housing Policy 1 of the draft South Derbyshire Local Plan, which seeks to resist residential development away from settlements. The conversion of this isolated barn to residential use does not aid sustainability, as occupants would need to rely on the private car for all journeys. As such the proposal is also contrary to General Development Strategy Policy 1 of the Derby and Derbyshire Joint Structure Plan.

