

18/12/2001

Item **B1****Reg. No.** **9 2001 1020 F****Applicant:**
A S Thompson
Cedar Farm
Dalbury Lees
Ashbourne
Derbyshire
DE6 5BE**Agent:**
B. Williamson
Gilson Design Consultants Ltd
Genista
Broomhills Lane
Repton
Derbyshire**Proposal:** **Alterations to the farmhouse and the conversion of barns, including extensions, into three dwellings together with the erection of garages and the formation of a vehicular access at Cedar Farm Dalbury Lees Ashbourne****Ward:** **North West****Valid Date:** **17/10/2001****Site Description**

The site is located at the southern end of the village of Dalbury opposite the village green. It comprises a farmhouse, its associated garden area, associated outbuildings and yard.

The site is bounded to both the north and the south by further residential development. To the east is open countryside.

Proposal

The proposal can be broken down into several categories:

- (i) The formation of a new access at the southernmost point of the site,
- (ii) The formation of a new drive to a proposed garage which would serve the existing farmhouse,
- (iii) The conversion of the former farm buildings attached to the farmhouse, along with the addition of two storey extensions on the rear, to form two dwellings,
- (iv) The conversion and extension of a single storey building to residential use as one dwelling.
- (v) The erection of garages to the rear of the site to serve all the converted units.

In addition, the farmhouse would be refurbished. However, those works would not require planning permission.

Site out?

Applicants' supporting information

The site is presently occupied by a vacant farmhouse and traditional range of agricultural buildings in a prominent position adjacent to the village green. A mixture of traditional and modern dwellings as well as the village pub surrounds the village green.

The farm is no longer in business and the buildings lie vacant. The applicants contend that it would be desirable to convert/improve the buildings into beneficial use.

Alternative uses have been considered. A conversion to commercial use would be unsuitable due to the proximity of the buildings to dwellings with the potential for traffic and noise generation in this peaceful location. Holiday lettings have also been considered and advice obtained from local estate agents. It is clear that this location there would be no viable market due to the limited tourist attractions. This view is supported by the lack of this type of accommodation in the area.

The conclusion is that the sympathetic conversion of the buildings into residential units would be the most appropriate use and have a beneficial effect on the buildings and the general street scene.

Responses to Consultations

Dalbury Lees Parish Council has objected to the development for the following reasons: -

- a) The development is contrary to Housing Policy 5b that requires that development be of a scale and character in keeping with the village. The proposal involves the creation of 4 dwellings where only one exists at this time. Furthermore, the creation of garage blocks is out of keeping with the surrounding area. These block are superfluous and the access would be used for further development on the site in the north east and north west corners
- b) Housing Policy 6b requires that the development should only be permitted where the building is suitable for conversion without extensive alteration, rebuilding and/or extension. The proposal breaches the policy in that 3 of the 4 dwellings proposed require extension and the new build garage blocks also contravene the policy.
- c) Environment Policy 8 requires the protection of valuable open spaces in villages should be protected from development. The formation of the access would detract from one of the few remaining open spaces in the village.
- d) An additional 12 car parking spaces indicates a clear indication of the density of the proposed site. Traffic through the village is a recognised problem and has been raised as an issue on several other planning applications in the past.
- e) The development of the village should be limited as set out in your letter dated 19 June 2001 to infilling and conversion of farm buildings. The Parish Council contends that this is much more than the conversion of some outbuildings. Lees is not a sustainable settlement as confirmed by council officers at a recent meeting in the village.
- f) Foul and surface water disposal is of concern to the Parish Council as there have been a number of instances where sewers have been blocked and overflowed.
- g) The Parish Council is strongly opposed to the development in this form. One dwelling in the outbuildings may be acceptable.

The County Highways Authority is opposed to the development as it conflicts with the aims of sustainable development of ensuring that proposals are well served by alternative modes of transport and be well related to retail and employment facilities. The existing access is also

substandard in terms of visibility for emerging drivers and the vehicular movements generated by residential development would be contrary to the best interests of highway safety.

The Footpaths Officer draws attention to the presence of a footpath that would not be affected if the development were permitted.

Severn Trent Water has no objection to the proposals as submitted.

Responses to Publicity

One letter has been received objecting to the development for the following reasons: -

- a) The village lacks amenities such as shops or schools and is not served by public transport.
- b) There would be an increase in traffic in the village on substandard roads.
- c) There is the potential for other development on this extensive site.

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Environment Policy 1 & 8; Housing Policy 6.

Planning Considerations

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

- Is the proposal in accord with the principles of sustainable development
- The need for the development to be located in the countryside
- The proposed means of conversion and the extent of new built development.
- The means of access.

Planning Assessment

The application site is located within the settlement limits defined for Lees in the South Derbyshire Local Plan. Notwithstanding this, Lees is not a sustainable settlement and so the principle of new residential development in this location is not acceptable as it conflicts with the Council's policies on sustainability and the principles of national policy guidance. There is no other justification put forward by the applicants to override the presumption against new residential development in this case.

However, this consideration has to be judged against the contribution that the farmhouse and its constituent outbuildings make to the character and appearance of the settlement and whether any conversion of them would help in retaining/enhancing the character and vitality of the village.

The existing buildings are of a form and character that may be worthy of preservation in their own right as they make a contribution to the village. However, in this case, the amount of extension and new building that is also proposed is of such a scale that the development would have an adverse impact on the overall character and appearance of the buildings and the area generally.

In addition, the applicants have not adequately addressed the question of alternative uses for the buildings. It is stated that the buildings are not suitable for other uses that may assist in retaining the vitality of the village. However, for example, there are holiday cottages in the vicinity most notably at Osleston.

The proposals involve a considerable amount of extension and new building to form the dwellings and the associated garaging. This is specifically contrary to the requirements of the relevant policies for the conversion of buildings in the countryside.

Overall, therefore, the proposal is not acceptable.

The County Highways Authority has objected on both sustainability grounds and on the basis that the access is substandard and its use is likely to be harmful to the free and safe flow of traffic on the highway. This is on the basis of substandard visibility. The proposal is, therefore, also unacceptable on highway safety grounds.

The comments concerning drainage are noted. However, in view of the comments of Severn Trent the drainage of the site proposed is acceptable.

In the light of the above the development is contrary to the provisions of the Development Plan and there are no material considerations that override this consideration.

Recommendation

REFUSE permission for the following reasons:

1. The site lies in a settlement that is not considered to be sustainable such that new residential development would not be acceptable. General Development Strategy Policy 1 of the adopted Derby and Derbyshire Structure Plan seeks to ensure that development is directed to sustainable locations that minimise the need to travel between homes jobs and services, encourages the increased use of public transport, protecting and improving the natural and built environment and minimise pollution and wastes. The proposal would result in the creation of dwellings where the sole means of transport would be the private motor car. The application is, therefore, unacceptable as it would be contrary to Government advice on sustainable development and the requirements of General Development Strategy Policy 1 of the adopted Structure Plan.
2. General Development Strategy 4 of the Structure Plan and Environment Policy 1 of the adopted South Derbyshire Local Plan require that development in the countryside should be necessary in that location to meet the needs of an established rural business. There is no such requirement for the creation of three additional dwellings in this rural area and the development is therefore contrary to the above policies as it would result in the creation of unnecessary dwellings in the countryside that would have an unacceptable impact upon it.
3. Housing Policy 6 of the Structure Plan requires that the conversion of buildings to residential use should take into account the need for employment uses, the need for new market and affordable housing and the impact the conversion might have upon local economic activity. Housing Policy 7 of the Adopted Local Plan requires that buildings suitable for conversion should be of a form bulk or character in keeping with its surroundings, the building is suitable for conversion without extensive alteration, rebuilding and/or extension and that the conversion is in keeping with the character of its surroundings. The proposals involve the

extension of the barns and the erection of a substantial amount of new buildings to provide ancillary accommodation. This is contrary to the Local Plan policy that requires conversions to be undertaken without such extensive extensions and new buildings. The Local Planning Authority is not satisfied that a full assessment has been made for alternative uses have been explored that would bring economic benefit to the village.

4. The use of the existing farm access to serve the additional dwellings would be contrary to the best interests of highway safety as visibility for drivers emerging from the site is severely substandard.

18/12/2001

Item **B2****Reg. No.** **9 2001 1074 A****Applicant:**

Mr A Chapman
Beehive Farm
Lullington Road
Rosliston
Derbyshire
DE128HZ

Agent:

David Raybould
Fallowell & Partners
Bretby Villa
Midland Road
Swadlincote
Derbyshire
DE110AJ

Proposal: **The display of a pole mounted sign board on Land At The
Junction Of Coton Road And Linton Road To The North
West Of Beehive Farm Rosliston Swadlincote**

Ward: **Linton**

Valid Date: **19/11/2001**

Joint Report for 9/2001/1074 and 9/2001/1075

Site Description

The two signs have been erected without the benefit of consent at the edge of farmland to the west of Linton Road some 50metres and 150 metres from Beehive Farm respectively.

Proposal

The signs are approximately 1.5 square metres and stand between 1.5 metres and 2 metres above the ground adjoining the highway. They advertise the Beehive Farm complex.

Responses to Consultations

The County Highway Authority recommends refusal of both applications on grounds of highway safety.

Structure/Local Plan Policies/advice

The relevant advice is:
Supplementary Planning Guidance - Display of Advertisements

Planning Considerations

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

- The impact of the advertisements with regard to amenity
- The impact of the advertisements with regard to public safety

Planning Assessment

The signs are located in open countryside and advertise the Beehive farm complex that is located on the fringe of Rosliston.

Both signs stand to be assessed on the two basic criteria set out above which derive from PPG 19. More specifically, the Council's SPG gives guidance and specifies that the Local Planning Authority will only give consent for advance directional signs if they:

- do not have a detrimental impact on the character or amenity of the area,
- do not create a hazard to public safety by reason of distraction to road users, and,
- are sympathetically located to compliment existing features.

In this case both signs fail to satisfy these criteria. They stand on a rural open field frontage and are an obvious intrusion into the countryside relating to no similar feature which can be said to compliment them. In addition, given the views of the County Highway Authority, the signs are deemed to be a danger to public safety.

Therefore, with regard to both of the main issues, the advertisements are unacceptable.

As the signs are already in situ they are unauthorised and the Council may pursue the matter through the Magistrates Court. Therefore, authorisation is sought to do this due to the adverse affect the signs have both on amenity and public safety.

Recommendation

A. REFUSE permission for the following reasons:

1. The sign is located remote from the premises to which it refers. It lies immediately adjacent to a junction where drivers are invited to turn but is situated so close to the junction, and contains such detailed information that the consequential manoeuvres and braking of vehicles would be potentially detrimental to the safety of other road users. The sign is therefore contrary to the provisions of the advice set out in PPG 19 and the Council's Supplementary Planning Guidance.
2. The sign is considered to be unacceptable and detrimental to the visual amenity of the locality because of its siting, size and design and its location on the edge of the countryside, unrelated to the premises to which it refers and contrary to the provisions of the Council's Supplementary Planning Guidance.

B. That the Committee grant delegated powers to the Planning Services Manager and the Legal Services Manager to pursue all action necessary to secure the removal of the signs.

18/12/2001

Item B3**Reg. No.** 9 2001 1075 A**Applicant:**

Mr A Chapman
Beehive Farm
Lullington Road
Rosliston
Derbyshire
DE128HZ

Agent:

David Raybould
Fallowell & Partners
Bretby Villa
Midland Road
Swadlincote
Derbyshire
DE11OAJ

Proposal: The display of an advance sign for Beehive Farm on land at O
S Field Number 8124 Fronting Linton Road To The North
West Of Beehive Farm Rosliston Swadlincote

Ward: Linton

Valid Date: 19/11/2001

See report for 9/2001/1075

Recommendation

A. REFUSE permission for the following reasons:

1. The sign is located remote from the premises to which it refers. It lies immediately adjacent to a junction where drivers are invited to turn but is situated so close to the junction, and contains such detailed information that the consequential manoeuvres and braking of vehicles would be potentially detrimental to the safety of other road users. The sign is therefore contrary to the provisions of the advice set out in PPG 19 and the Council's Supplementary Planning Guidance.

2. The sign is considered to be unacceptable and detrimental to the visual amenity of the locality because of its siting, size and design and its location on the edge of the countryside, unrelated to the premises to which it refers contrary to the provisions of the Council's Supplementary Planning Guidance.

B. That the Committee grant delegated powers to the Planning Services Manager and the Legal Services Manager to pursue all action necessary to secure the removal of the signs.

APEAL DISMISSED

Appeal by Ivanhoe Feeds Ltd against a refusal to grant an Application for a Certificate of Alternative Development at Ashby Road Boundary Swadlincote (9/2000/1188)

The application was refused permission for the following reasons:

1. In the opinion of the Local Planning Authority planning permission for the development would not have been granted for the following reasons:

(i) The site is located in the countryside away from any settlement. The proposed expansion of the use of the site is not necessary to be located here and the proposal would result in the extension of the existing use in a manner that, by reason of the size of the expansion and the need to erect further extensions to the buildings on the site, as identified on the submitted drawing, would adversely affect the character and appearance of the area. The proposal would therefore be contrary to General Development Strategy Policy 5 of The Derby and Derbyshire Joint Structure Plan 1999/2011, and Environment Policy 1 and Employment Policy 1 and 5 of The South Derbyshire Local Plan.

(ii) The proposal is located in the countryside where new retailing activity is strictly controlled. The expansion of the business would result in an increased level of retail activity away from an existing centre and an increase in the need to make journeys to and from the site. This would be contrary to General Development Strategy Policy and Town Centre and Shopping Policy 4 of The Derby and Derbyshire Structure Plan 1999/2011 and Shopping Policy 2 and 3 of The South Derbyshire Local Plan.

An inquiry was held into this matter and the inspector, who presided over the appeal, reported to the Secretary of State who made the final decision on the appeal.

The inspector took the view that the proposal was not tantamount to the expansion of an unrestricted retail activity as had been suggested by the Council. This was despite agreeing with the Council that the produce on sale was wider in extent than merely animal foodstuffs, agricultural products and ancillary items. However, he did agree that there was a not an insignificant amount of other retail activity-taking place on the site.

Additionally, he took the view that the impetus behind the proposal was to provide additional storage space.

The inspector took the view that the concerns of the highway authority could be overcome by condition.

In view of the above the inspector considered the primary consideration in this matter was the effect that the expansion of the business would have on the character and appearance of the area.

The inspector concluded that the site lay in the open countryside for planning purposes where planning policies seek to restrict development so that the countryside may be protected for its own sake. The inspector also concluded that whilst the products on sale were related to rural activities they did not need to be sold from a location in the countryside.

The inspector noted that the site does not front onto Ashby Road and that there were no near views of the site. However, he concluded that inconspicuousness is not a good reason in itself for permitting development. Indeed, he concluded the development would have had a serious and harmful effect on the countryside in this location.

Therefore, the inspector concluded that the proposal would not have been acceptable. The Secretary of State agreed with that conclusion.

Comment:

This decision shows that, whilst there may be some justification to allow existing businesses to expand in the countryside this has to be considered against the harm that allowing such development would have on the countryside. It is a balance between the policies of the development plan that should exercise the decision-maker and not just a reliance on one policy in isolation.

APPEAL ALLOWEDAppeal by Mrs Pickess

The conversion into a dog grooming parlour of part of the garage at 29 Wilmot Road Swadlincote (9/2001/0217)

The application was refused permission for the following reasons:

1. The application is considered to be unacceptable as the site and adjoining private driveway are located in close proximity to other residential properties. Any increase in activity, such as that generated by the proposed use, would cause undue disturbance to neighbouring dwellings and therefore renders the proposal unacceptable and contrary to Economy Policy 5 of the Derby and Derbyshire Joint Structure Plan and Employment Policy 3 of the Local Plan.

The inspector considered the main issue to be the effect of the proposed development on the living conditions of the occupiers of nearby residential properties with particular regard to noise, disturbance and privacy.

The inspector had regard to the appellant's statement that dog grooming is an elaborate and time consuming business and normally no more than 3 dogs per day would be groomed. This would give rise to an additional 6 vehicle movements per day, although this could be greater if minor grooming procedures were undertaken. However he felt that such additional vehicular activity would be offset at other times by customers arriving on foot or by the appellant carrying out grooming at customers' own homes. He thought that the additional vehicle activity that might arise would not be out of the norm with what could reasonably be expected in a residential area. The inspector therefore concluded that the extra vehicle movements associated with the use would not cause unacceptable harm. In coming to this view he took into account that a planning condition could be imposed to preclude usage at unsociable hours.

He considered the impact on privacy to be little different to that that commonly exists between neighbouring dwellings, particularly in urban areas. He saw no harm to highway safety and commented that concerns about damage to the adjoining property were private matters.

Permission was granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The use permitted shall not be open to customers outside the following times;
0900 to 1700 hours Monday to Friday
0900 to 1200 Saturday
and shall not be open at any time on Sundays and Bank Holidays.
3. The permission shall relate to the use of a single room only as shown on the submitted plan and no other room in the house shall be used for dog grooming.
4. The use shall operate on an appointment basis alone and no more than one dog shall be groomed on the premises at any one time.

