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## **PLANNING APPEALS MONTHLY REPORT (A.1536/AM)**

### **1. APPEALS LODGED**

The following appeals have been lodged during the past two months.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>
3367299 NP/DIS/1224/1399	Discharge of Condition 4 on NP/HPK/0309/0245 at The Marquis of Granby, Hathersage Road, Grindleford	Written Representation	Delegated
3368852 NP/SM/0425/0386	Listed Building consent - Alterations to 2-storey apartment Swythamley Hall North Wing, Swythamley Hall	Written Representation	Delegated
3367230 NP/HPK/0125/0061	Demolition of derelict outbuilding and construction of two-bedroom detached dwelling with front garden to street, and smaller private amenity space to rear. Site of former NatWest Bank, The Green, Bamford	Written Representation	Committee
3369095 NP/DDD/1024/1145	Proposed garage and store building for purposes incidental to a dwelling The Barn, South Church Street, Bakewell	Householder	Committee
3370614 NP/GDO/0525/0488	GDO Notification - Portal framed building for agricultural storage purposes Shutts Farm, Shutts Lane, Bakewell	Written Representation	Delegated

### **2. APPEALS WITHDRAWN**

There have been no appeals withdrawn during the past two months.

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### **3. APPEALS DECIDED**

The following appeals have been decided during the past two months.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Decision</u></b>	<b><u>Committee/ Delegated</u></b>
3353578 NP/HPK/0224/0169	Proposed conversion of existing redundant barn to dwelling at Pyegreave Farm, Cowlow Lane, Combs	Written Representations	Dismissed	Delegated

The main issues in this appeal were the effect of the proposal on the character and appearance of the building and the landscape and the effect upon bats, a European protected species.

It was common ground that the barn is a non-designated heritage asset. Planning permission was granted in 2019 for conversion to holiday accommodation, however, the Inspector agreed with the Authority that that permission had lapsed.

The Inspector concluded that the internal subdivision would not unacceptably harm the building, however, the Inspector concluded that external alterations, specifically roof lights, a flue and the level of glazing to the building would result in the building appearing domestic in character. This would be exacerbated by external paraphernalia associated with the residential use of the building.

The development would unacceptably harm the historic agricultural character of the building, the farmstead and, in turn, the landscape. This harm would not be outweighed by public benefits including the provision of a market dwelling.

The Appeal was supported by a daytime bat survey. However, the survey stated that further surveys were required to determine the status of roosting bats at the site and to inform mitigation requirements.

All bat species are designated and protected under the Conservation of Habitats and Species Regulations 2017. If significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted.

The Inspector concluded that there was insufficient information to adequately demonstrate that the proposed development would not cause harm to a European protected species or their habitat, namely bats.

The Inspector concluded that the development would have sufficient parking provision and not harm highway safety.

The development was found to be contrary to relevant development plan policies. There were no other material considerations to indicate the Appeal should be allowed.

The appeal was dismissed.

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3357258 NP/DDD/0424/0460	Proposed retention of forestry storage shed at Oaks Wood, Highlow, Hathersage	Written Representations	Allowed	Delegated
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The main issues in this appeal were whether there was a proven need for the building and the effect of the proposal on the character and appearance of the site and the landscape.

The appeal site is a woodland approximately 11 acres in area.

The Inspector found that the building is used for securely storing tools and other items used in the management and maintenance of the woods. Further, the Inspector found that it would be impracticable to transport the number and type of tools required for the works. Therefore, the building was reasonable for storage and welfare purposes.

The Inspector found that a yurt on the site would not be suitable for the proposed purpose. The Inspector also considered that the fact that the Authority carries out work within several woodlands without the need for a building on site was not directly comparable to the Appeal as the Authority benefits from a central storage location.

The Inspector noted that the proposed building has a chalet style appearance typical of garden buildings in urban areas. Nevertheless, and notwithstanding the amount of glazing the Inspector found that the building was not overly domestic in appearance and assimilates well into its surroundings. The surrounding trees also limited public views.

The Inspector concluded that the development was justified for forestry and would not result in harm to the landscape. The Inspector concluded that the development was in accordance with development plan policies.

The appeal was allowed.

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3355940 NP/HPK/0324/0314	Retention of two water storage tanks and construction of associated building at Cop Farm, Old Dam Lane, Peak Forest, Derbyshire SK17 8GA	Written Representations	Allowed	Delegated
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The main issue in this appeal was the effect of the proposal on the character and appearance of the site and the landscape.

The Inspector found that the appeal building would be sited outside of this group of buildings within a separate field that appears to be used as grazing land. However, the appeal building would still be located close to these dwellings and when seen from further afield, the outbuilding would be viewed alongside this group of buildings, limiting the perceived extent of built form associated with Cop Farm.

The Inspector found that the local landscape is a mix of sporadically sited buildings in a mix of residential and agricultural uses typically stone built. Whilst the plans show the building would be timber built, the Appellant had agreed to the Authority's suggested condition to face the building with natural limestone to be similar to that used within the buildings at Cop Farm. Subject to this the Inspector found that the appearance of the building would be appropriate in this context.

The Inspector concluded that whilst the building would not be located within the curtilage of the group of buildings at Cop Farm the limited scale of the building and its location close to the drystone wall would generally retain the openness of the field. This, alongside the appearance of the building, would protect and maintain the historic field pattern, the drystone wall and pastoral landscape. The development therefore, subject to conditions would be in accordance with relevant policies in the development plan.

The Inspector found on the basis of evidence from a Tree Surgeon at appeal that the development would be unlikely to harm a nearby tree provided that a planning condition is imposed requiring a tree protection plan to be implemented while the development is completed.

The appeal was allowed.

3357263 NP/DDD/0224/0230	Engineering operations to build up site levels to match those of the adjacent access road Land SE of Aldi, Buxton Road, Bakewell.	Written Representations	Allowed	Delegated
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The main issue in this appeal was the effect of the proposal on the character and appearance of the area.

The Inspector observed that the proposed gabion wall would be installed near to this but set back from it. The proposal would extend the existing gabion wall a similar distance from the river Wye and as such, the scheme would continue an existing feature of the area. However, it is proposed that the scheme would be bound by natural stone which would be consistent with the walls that bound Buxton Road, as well as part of the appeal site. As such, the scheme would use a feature that makes a positive contribution towards the character and appearance of the area and this material would not appear stark within the local landscape.

Further, the Inspector considered that the extension of the raised engineered land along the river Wye would introduce additional built form along the river which would further urbanise the land around it. However, the river runs through the Riverside Business Park and given that the raised area would be seen alongside the car park for Aldi and the buildings associated with the business park, the introduction of a large area of engineered land would not appear out of context and would be a congruous addition to the wider area.

While the gabion wall, alongside the existing gabion wall would be a notable feature from the river Wye, the roads around it are generally located at a higher ground level. The scheme would be a similar height and thus when viewed from the surrounding area, the Inspector concluded that the development would not appear prominent or overbearing, retaining views across the site.

The Inspector concluded that the development would not result in harm to the local area. The Inspector concluded that the development was in accordance with development plan policies.

The appeal was allowed.

3361602 NP/DDD/1024/1142	Demolition of single storey mono-pitched side extension containing the kitchen and a workshop and erection of a two-storey dual pitched extension and replacement of the existing greenhouse Sunnybank House, Winster	Written Representations	Allowed	Delegated
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The main issue in this appeal was the effect of the proposal on the character and appearance of the area.

Planning permission had already been granted for the proposed extensions with the exception of the southern gable end of the property. The Appeal related therefore solely to the fenestration in this gable end. The Appeal proposal incorporated four sliding sash windows in this elevation, two at first floor located directly over two at ground floor level.

The Inspector referred to the Authority's design guide and in particular to the traditional high solid to void ratio and that traditionally gables are left blank.

The Inspector stated that by containing four windows in the side gable the Appeal scheme would not be strictly in accordance with the design guide. However, the Inspector considered that the windows would not be excessive in size or unacceptable proportioned. Although the windows were not centrally located they would be formally arranged and therefore reflect the overall character of the dwelling.

The Inspector also observed that the windows would be screened from public vantage points.

The Inspector concluded that the development would not result in harm to the local area. The Inspector concluded that the development was in accordance with development plan policies.

The appeal was allowed.

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3354072 NP/DDD/1223/1530	The development proposed is Aparthotel to create 13 self-catering units for holiday use at Plot 6 Deepdale Business Park, Bakewell	Written Representation	Allowed	Committee
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The main issues in this appeal were whether the site is a suitable location for the proposed use, the effect of the proposal on the character and appearance of the area, whether the proposal would include adequate measures for the runoff of surface water and the effect of the proposal upon climate change and sustainability.

The Inspector stated that the proposed aparthotel would be within Use Class C1 and therefore not a business use as set out in the development plan.

The Inspector noted evidence showing office demand had declined nationally and that two units have remained vacant at Deepdale despite marketing efforts in 2021 and 2024.

The Inspector noted evidence submitted by the Authority showing that the units had been marketed above the average rate in the Derbyshire Dales Housing and Employment Land Needs Assessment (HELNA) 2023. The Appellant noted that the rates are similar to those offered at Riverside Business Park. The Inspector therefore concluded that the rates the units were marketed at were unreasonable.

The Inspector considered that the evidence indicated limited interest in the site for office use. There is demand for industrial and storage uses however most demand is within Matlock and Ashbourne. The Inspector also noted that the development at Riverside is progressing with units completed and occupied. The safeguarding of the site therefore appeared to the Inspector to be less critical to the Authority's employment strategy.

The Inspector also found that the site only represents a small proportion of safeguarded land within Bakewell.

The Inspector also found that the development would deliver development meeting an unmet need for a hotel in Bakewell which would be accessible for those with mobility issues and deliver around 20 full time equivalent jobs in a sustainable location in Bakewell.

Therefore, the Inspector concluded that the proposed development would be appropriate in accordance with local policies.

The Inspector concluded that the development would be an appropriate design in the setting and would not harm the character or appearance of the area in accordance with relevant policies.

The Inspector concluded that subject to the conditions recommended by the Authority that matters of surface water drainage and climate change mitigation could be incorporated into the scheme.

The appeal was allowed.

3364097 NP/SM/0924/1017	The development proposed is two storey extension of northwest gable and erection of a balcony / patio area including minor internal revisions at Ye Olde Rock Inn, Upper Hulme	Written Representation	Allowed	Delegated
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The main issue is this appeal was whether is the proposal would preserve or enhance the character or appearance of Upper Hulme Conservation Area and the significance of Ye Olde Rock Inn, a Grade II listed building.

The Inspector referred to the Authority's design guide and in particular to the traditional high solid to void ratio and that traditionally gables are left blank.

The Inspector found that the proposed opening in the gable would not be excessive in size and substantial areas of stonework would surround it, meaning that the elevation would retain the character of a single opening within a larger area of wall.

The Inspector found that the proposed opening and raised patio would not be prominent in views with the listed building or in the Conservation Area.

Therefore, the inspector concluded that, while the introduction of windows into the side elevation of the appeal building and the installation of the raised external area would domesticate the character of the existing building, the resultant structure would not appear as being unacceptably modern and would remain clearly subservient to the listed building in both scale and character.

The Inspector had regard to a recent appeal decision which was dismissed for a similar development. However, the Inspector concluded that the decisions were not inconsistent.

The appeal was allowed.

#### 4. **RECOMMENDATION:**

**To note the report.**