



Appeal Decisions

Inquiry Held on 13 June 2017

Site visit made on 16 June 2017

by Alan Novitzky BArch(Hons) MA(RCA) PhD RIBA

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

Decision date: 14 August 2017

Scheme A Ref: APP/P1045/W/16/3152087 Babbs Lane, Doveridge, Derbyshire DE6 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission with all matters except means of access reserved for later decision.
 - The appeal is made by Gladman Developments Ltd against Derbyshire Dales District Council.
 - The application Ref 16/00095/OUT, is dated 11 February 2016.
 - The development proposed is up to 165 dwellings (35% affordable), up to 47 units of C2 Extra Care, an allocated 0.13ha of land for a community facility, noise attenuation bund, planting and landscaping, informal open space, children's play area, surface water attenuation, vehicular access point from Babbs lane and associated ancillary works. All matters to be reserved with the exception of the main site access.¹
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Scheme B Ref: APP/P1045/W/16/3152087 Babbs Lane, Doveridge, Derbyshire DE6 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission with all matters except means of access reserved for later decision.
 - The appeal is made by Gladman Developments Ltd against the decision of Derbyshire Dales District Council.
 - The application Ref 16/00879/OUT, dated 5 December 2016, was refused by notice dated 15 March 2017.
 - The development proposed is up to 100 dwellings, including affordable, an allocated 0.13ha of land for a community facility, noise attenuation bund, planting and landscaping, informal open space, surface water attenuation, vehicular access point from Babbs Lane and associated ancillary works. All matters to be reserved with the exception of the main site access.²
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Decisions

Scheme A:

1. The appeal is dismissed and planning permission for up to 165 dwellings (35% affordable), up to 47 units of C2 Extra Care, an allocated 0.13ha of land for a community facility, noise attenuation bund, planting and landscaping, informal open space, children's play area, surface water attenuation, vehicular access point from Babbs lane and associated ancillary works is refused.

¹ Agreed description based on the amendments set out at CD14.21

² Agreed description based on the amendments set out at CD14.21

Scheme B:

2. The appeal is dismissed.

Preliminary Matters

3. Scheme B arises from a second application submitted to the Council and decided whilst the appeal process for Scheme A was in train. The putative and actual reasons for refusal for the two schemes are similar and concern the effects of encroachment into the countryside. In addition to the consultation embodied in the application process, the appellant carried out a consultation exercise prior to the Inquiry to ensure that the public were aware of the appellant's wish to present Scheme B to the Inquiry.
4. No objection was put forward when views were sought at the Inquiry on whether Scheme B should be considered alongside Scheme A. Evidence had been prepared by all parties to cover both schemes. Since no party's interests would be prejudiced, I decided that both schemes should be considered at the Inquiry.
5. The main site access for both schemes is shown in drawing F0296-001-002A.³ All other scheme material submitted is to be regarded as illustrative of ways of executing the proposals.
6. The main parties' closing submissions were made in writing after the Inquiry had finished sitting. The Inquiry was closed in writing on 11 July 2017.

Main Issues

- The extent and nature of the Council's housing land supply
- The effect of the proposals on the character and appearance of the landscape
- Any other matters relevant to the planning balance

Reasons

First Issue - Housing Land Supply

7. The development plan comprises the Derbyshire Dales Local Plan, adopted in 2005 (LP). The hearing sessions for the Examination in Public (EIP) of the emerging Local Plan (ELP) were completed on 23 May 2017 and the Council's Proposed Modifications were about to be put on deposit for consultation at the time the present Inquiry closed.⁴
8. The Derbyshire Dales Housing and Economic Development Needs Assessment 2015 (HEDNA) set an objectively assessed need (OAN) requirement of 6,440 dwellings across the period 2013 to 2033 based on the 2012 Population and Household Projections.⁵ However, the OAN requirement derived from the Council's Local Plan EIP M4/1 Statement⁶ amounts to 5,680 dwellings based on

³ ID30 and ID31

⁴ ID11, ID27

⁵ CD8.1

⁶ CD8.10

the 2014 Population and Household Projections. Since these are the most recent figures and they were not challenged at the EIP, I see no reason to depart from them.

9. During the Inquiry it was agreed that calculation of the Housing Land Supply (HLS) should be based on the Sedgefield method, incorporating the accumulated backlog from 2013/14 to 2016/17 within the first five years figures. Also, that a 20% buffer should be applied to the combined requirement. The first Inquiry day was given over to a round table discussion of the sites identified by the Council as comprising the five year HLS. This was based on the Disputed Sites Pro-Formas set out in Richard Mowat's Appendix 2, updated in his email of 8 June 2017; and Paul Wilson's Rebuttal proof of evidence, also emailed to PINS on 8 June 2017.
10. Near agreement was reached on provision within the calculation for the projected lapse of planning permissions on small sites, following the Council's submission of historical data.⁷ However, there was no agreement on whether to include the first two years windfall estimates, the appellant contending that, given the lead-in time before delivery, such sites would already have been identified within figures for the early years of the HLS.
11. The Council described the overall windfall figure as robust since it is based on a projected annual average of less than half the historic average. Moreover, the average is expected to increase under the ELP since residential development would be appropriate in many more settlements. However, the difference is not critical, amounting to only some three weeks HLS.
12. Planning Practice Guidance (PPG)⁸ makes clear that it is the role of the Local Plan examination to fully consider housing requirements and the deliverability of sites to meet a five year HLS in a way that cannot be replicated in the course of determining individual appeals. It would be inappropriate in this decision to examine the deliverability of every site in detail, since this is the role of the EIP and the Inspector's report is likely to be issued shortly. Instead, the contentious sites will be examined in broad categories.

Sites which may not come forward at all

13. These comprise Ladygrove Mill (Site 2), Land at Halldale Quarry (Site 4), Cawdor Quarry (Site 5), Tansley Wood Mills (Site 6), and Whiteleas Nursery (Site 20).
14. Although storage uses are being carried out at Ladygrove Mill and are advertised on a website, I see no reason to doubt that, as the Council maintains, the planning permission has been implemented. The present uses would be quick and easy to displace, and there appears to be no physical or legal impediment to development.
15. Likewise, the appellant tells us that Whiteleas Nursery appears to be in active use by UK Bamboos and that no reliable evidence is available to indicate that the owner intends to develop the site in the near future. However, the Council

⁷ ID14

⁸ Housing and economic land availability assessment, para 033, Ref ID: 3-033-20150327

points to a statement of common ground presented at the EIP as evidence of deliverability within the five year period.

16. Tansley Wood Mills is in a similar position. The Council notes that planning permission has been implemented through demolition works, whilst the appellant says that the site appears abandoned.
17. The appellant indicates viability concerns with both Halldale Quarry and Cawdor Quarry based on reports prepared by the District Valuer (DV) and, with regard to Halldale, notes that a planning permission dating from 2008 has not been taken up. However, the Council observes that the DV concluded the site would be viable and gave consideration to clawback provision were viability to change.
18. The 2008 permission for Cawdor Quarry has been partially built out and further applications and a revised layout submitted. The Council described detailed engagement with the developer over proposals for a high quality spa development. Further, I note that the developer has incurred substantial historic costs which he would be keen to recover and has a very significant track record as a successful developer elsewhere.
19. Overall, in this category, I find that the Council's analysis of deliverability is generally robust, and the figures they put forward are likely to be largely achieved.

Sites where the delivery time frame is questioned

20. These comprise the Ashbourne Airfield sites, which would be developed in two phases (Sites 3 and 9), as the largest combined development in ELP allocations; land to the rear of the RBS, Darley Dale (Site 13); Land at the RBS, Matlock (Site 17); land off Pinewood Road, Matlock (Site 18); and Land at Middlepeak Quarry (Site 22).
21. The appellant tells us that a condition caps development to 75 units at the Ashbourne Airfield sites until a link road is built, that a reserved matters scheme has yet to be submitted, and that the owner has yet to reach agreement with a developer. The appellant takes the position that no more than the 75 units can be expected within the 5 year period, since the link road is unlikely to be completed by then.
22. However, the Council points out that the link road now has full planning permission, a £1m grant has been made available towards its construction, and tenders are about to be issued. Moreover, discussions are in train between the owner and developers, and a reserved matters scheme is being worked up for submission. I would expect the link road to be in place well before the end of the five year period and substantial progress to have been made with the proposed dwellings.
23. There is no reason to suppose delay will occur in processing the planning application submitted for the land to the rear of the RBS, Darley Dale. The only point of contention is the rate of delivery of completed dwellings. The delivery tranches set out in the EIP statement of common ground, based on a maximum of 40 units per year, seem achievable to me.

24. Turning to land at the RBS, Matlock, the single point of contention concerns heritage matters. The site lies in the grounds of a Grade II listed building and within a conservation area. It is a small site of 24 units and, provided there are no fundamental difficulties halting progress, should be easily deliverable within the five year period. Heritage implications are not uncommon in Matlock and they are recognised in the EIP statement of common ground. I see no reason to doubt the Council's assessment.
25. Regarding land off Pinewood Road, Matlock, the appellant accepts that the site is likely to come forward in the next five years, the single point of contention being the delivery timescale. The developer had agreed to delay submitting a planning application to allow the LP Inspector to consider third party objections. The appellant says this indicates the site is controversial but does not show why it should be.
26. However, the environmental impact assessment is already complete and the EIP statement of common ground clearly aims for a start on site in 2018. I see no reason why the completion of 100 dwellings within the remainder of the five year period should pose difficulties.
27. Turning finally to Land at Middlepeak Quarry, the appellant notes a viability concern, but does not elaborate, mainly referring to delay because of the extent of preparatory works necessary before the site can be built out. However, the EIP statement of common ground indicates that the developer is well aware of the extent of the preparatory works and their time implications.

Other sites subject to statements of common ground

28. These comprise the Former Mirage Hotel (Site 8); Land off Cavendish Drive, Ashbourne (Site 10); Land at Old Hackney lane, Darley Dale (Site 11); Land at Old Hackney Lane, Darley Dale (Site 12); Land off Normanhurst Park, Darley Dale (Site 14); Land at Sand Lane, Doveridge (Site 16); and Land at Middleton Road (Site 21).
29. The appellant tells us that the developers of these sites are not tied to the time frames set out in the EIP statements of common ground and argues that no developer would refuse to sign a statement of common ground because it considers delivery projections too ambitious. By doing so they would risk other sites with more amenable developers being allocated instead. However, in my experience, it is generally in the developer's interests to build out as rapidly as practicable, allowing re-employment of capital elsewhere. The delivery rates appear reasonable and I see no reason to cast serious doubt on the trajectories set out in the statements of common ground.

Other sites

30. Regarding St Elphin's Park, Dales Road South, Darley, a point of difference exists over whether 110 completed and 20 projected Use Class C2 dwellings ought to be counted. At the Inquiry, the discussion focussed on whether these dwellings could be said to be available to the housing market, but no agreement was reached and I find insufficient relevant evidence to form a view.

Conclusion

31. The appellant's figure of 4.48 years HLS,⁹ presented at the Inquiry following the round table discussion, compares with the Council's figure of 6.7 years taking into account the C2 dwellings, or 6.29 years without the C2 dwellings.¹⁰ Having heard the evidence and studied the resulting figures, I find no persuasive reason to think that the Council cannot demonstrate a robust five year HLS, even if their projected figures are not fully achieved. Therefore, paragraph 14 of the NPPF is not engaged by paragraph 49.

Second Issue - Landscape Character and Appearance

32. The site is not subject to any formal landscape designation. Reference was made at the Inquiry to a number of documents regarding assessment of landscape sensitivity. Many are coarse grained and of limited applicability to assessing the particular landscape attributes of the appeal site.
33. The Derbyshire County Council Areas of Multiple Environmental Sensitivity Study 2013¹¹ aims to assess the environmental sensitivity of landscape description units over the whole county through examination of the ecology, the historic environment, and visual unity of each. Doveridge is not rated for landscape sensitivity based on visual unity in the Study.
34. This is not helpful for present purposes, since there may well be other aspects of landscape sensitivity of value besides visual unity. Furthermore, the Study offers no way of differentiating the site from any other part of Doveridge or its surroundings.
35. The Derbyshire Dales Local Plan Settlement Hierarchy paper, 2015¹² scores economic, social and environmental attributes of settlements by strength. Doveridge scores higher on environmental attributes than other settlements, reflecting an assessment of the ability of its local environment to accommodate new development.
36. However, the paper notes that scores under this heading are all low (in absolute terms) and limited in range, reflecting the significant environmental constraints affecting all settlements in the District. For some reason, the 2016 paper¹³ omits consideration of environmental attributes altogether. The documents are of little help since they say nothing about particular sites.
37. The Derbyshire Dales District Council Landscape Sensitivity Study (LSS), August 2015¹⁴ looks at the sensitivity aspects of settlements within the District with the aim of providing a context for the allocation of sites for housing development. It seeks to inform planning decision making, and to contribute to the evidence base for the Local Plan. With regard to Doveridge, it notes that the village remains compact with development clustered about the network of narrow lanes on the southern side of the Derby Road.

⁹ ID29

¹⁰ ID28

¹¹ CD14.5

¹² CD8.3

¹³ CD8.2

¹⁴ CD14.9

38. It tells us that the land to the north east of the settlement comprises agricultural fields, the majority of which are important in contributing [to] the rural approach to the settlement, and land to the east of the settlement located beyond the Derby Road acts as a strong limit to development. The LSS also notes that further land to the north east of the village is visually prominent and open. It tells us that development within this area is limited to individual farmsteads, and describes it as a transitional area between the village and the urbanising influence of the A50, important in creating a rural approach to the settlement.
39. Rather at variance with this analysis, the document also states that to the north east of the village there are three fields north of Derby Road and east of Babbs Lane which do not contribute to the rural approach to the settlement, as they have low visual prominence when viewed from the settlement approach and are semi-enclosed by hedgerows and individual trees. It notes that additional planting on the northern boundary of these fields could further reduce their visual prominence and create a strong, vegetated settlement edge.
40. This comment must refer to the approach from the north along Marston Lane, (not a major route), since it is only from here that planting on the northern boundary would reduce visual prominence. However, it neglects the approach from the east along Derby Road which, despite interruptions by buildings and foliage, provides a significant visual experience of open countryside to the north, to which the three fields contribute. Most importantly, it also ignores the harm to the settlement's landscape character which would be caused by developing land to the east beyond Derby Road, thereby breaching the strong limit to development referred to earlier in the LSS.
41. The LSS concludes that the three fields enclosed by the Derby Road and Babbs Lane to the north east of the village – the south western part of the site – are of medium sensitivity whilst the remainder of the site is of high sensitivity.
42. The Strategic Housing and Employment Land Availability Assessment (SHELAA) 2016¹⁵ reflects the LSS's assessment of potential for adverse impact on landscape character and ecology (the intrusion of development into the open countryside and the risk to hedgerows and trees) through development of the site. From the LSS's conclusions it also implies some capacity for development within the south west of the site (the three fields) if appropriate and sufficient mitigation measures are included.
43. On the other hand, it tells us that land against the northern and eastern boundaries should not be developed but retained as part of the countryside setting of the village and to act as a buffer zone between the settlement and the A50. It also points to the likely harmful impact of development on the medieval ridge and furrow earthworks. However, at the Inquiry, it was generally accepted that the site's ridge and furrow features are barely visible. Moreover, there are better examples of this historic land form elsewhere locally.

¹⁵ CD8.4

44. Beyond the compact settlement, the landscape washes over scattered groups of buildings. The Council's Landscape Character of Derbyshire Dales¹⁶ describes a landscape of predominantly small to medium sized semi-regular fields enclosed by hedgerows, with the cultural pattern remaining essentially intact. This holds true for the appeal site, which retains the majority of the hedgerows shown on the 1901 OS map.¹⁷ A good network of footpaths traverses the site which, overall, presents a farming landscape little different from that elsewhere outside local settlements.
45. Either proposal would radically alter the character of the landscape. Although it might be possible to retain or reinforce most of the hedgerows, that along Babbs Lane, together with its mature trees, whatever their condition, would be lost or significantly harmed by the widening necessary to accommodate the site access. Were either proposal to go ahead, there would probably be too little time between the developer acquiring the site and adapting the Babbs Lane access for construction purposes to allow preparation for translocation of the hedge. In any event, the character of the Lane would change from that of a quiet rural cul-de-sac, used by walkers, to that of a carriageway almost 7m wide, clearly dedicated to vehicle use, together with a 2m wide footpath.
46. Moreover the general field pattern would be lost within a layout of housing plots served by a branching road system whose geometry would inevitably be at odds with the field pattern. Within this layout, the public open spaces suggested in the Design and Access Statements,¹⁸ would not materially relieve the changed landscape character.
47. The footpaths would no longer serve rural excursions but would simply become means of passing through the housing development. In addition, the acoustic bund would form an unnaturally prominent feature within the very gently undulating landscape.
48. Overall, the site's open rural landscape character, which provides the necessary context for the clear edge to the compact settlement, formed by Derby Road, would be entirely lost.
49. Turning to visual matters, many of the photographs in the Landscape and Visual Appraisals¹⁹ and amongst the witnesses' evidence illustrate the harmful effect that the proposals would have on the open landscape, so important in containing the settlement and separating it from the A50.
50. As already indicated, views from the footpaths within the site would be fundamentally altered in nature. Furthermore, the majority of the views from the footpaths into open countryside to the north, including those towards the higher land of Somersal Herbert, would be lost. In my opinion this would be significantly harmful, despite the greater security under foot given by finished surfaces.
51. There would be similar losses from receptors on Derby Road, whether driving or walking. Views from Babbs Lane would also change for the worse with the

¹⁶ CD14.6

¹⁷ Billingsley Appendices, Fig 04

¹⁸ CD1.4 and CD13.3

¹⁹ CD1.5 and CD13.4

- intervention of built development to the east, dominated in particular by the three storey care home in Scheme A. Views southwards from Marston Lane would be intercepted by the planted acoustic bund, replacing those of the open landscape defining the edge to the compact settlement. This would be moderately harmful, since an opportunity to perceive the rural approach to the settlement would be lost.
52. The outlook from residential properties would also be affected, with some loss of amenity for Rose Cottage and Holme Lea in Scheme A. From the upper windows of Cavendish Cottage there would be some loss of outlook. There would also be some loss of outlook from the properties backing onto Derby Road, especially from windows in upper levels.
53. On the other hand, Doveridge's visual envelope is relatively small. The site might feature in some views from the north, but the effects would be quite minor.
54. I do not think either landscape or visual cumulative effects would be material to this case. The Doveridge sites allocated in the ELP or granted planning permission are all an integral part of the compact settlement,²⁰ despite the appellant questioning whether the sensitivity of the Hall Lane site had been correctly assessed. The proposals site is not an equivalent part of the compact settlement. The appeal schemes would be harmful for the landscape reasons identified, irrespective of whether the other Doveridge sites were built out.
55. Scheme B would not reduce the harm to acceptable levels, since it would still breach the strong limit to development offered by Derby Road.
56. Both proposals conflict with LP Policy NBE8 (Landscape Character), a policy which accords with the aims of the NPPF in recognising the intrinsic character and beauty of the countryside,²¹ and with ELP Policy PD5 (Landscape Character). They also conflict with LP Policy SF5 (Design and Appearance of Development), which accords with the NPPF,²² regarding their effect on the quality and local distinctiveness of the surroundings, and with ELP Policy PD1 (Design and Place Making).
57. The effect of the proposed developments on the character and appearance of the landscape would be unacceptable.

Third Issue - Planning Balance

58. The Council notes that the LP is time expired in respect of housing provision policies, since it sought to meet needs only up to 2011.²³ Moreover, the main parties agree, whether or not a five year HLS can be demonstrated, that LP Policy H4 (Housing Development Outside Settlement Framework Boundaries)²⁴ and LP Policy SF4 (Development in the Countryside) are out of date.²⁵

²⁰ ID18

²¹ NPPF para 17, fifth bullet,

²² Section 7, Requiring good design

²³ Wilson proof para 4.4

²⁴ CD7.1 - LP Policy H4 restricts such development to housing essential to agriculture, forestry or other enterprise that needs to be in that location; or consists of affordable housing for an identified local need.

²⁵ Statement of Common Ground para 3.2.5

59. Paragraph 215 of the NPPF tells us that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. LP Policy H4, states that planning permission will be granted for housing that is essential for the operation of agriculture, forestry or other enterprises that need to be in that location; or consists of affordable housing for an identified local need. This policy content is consistent with paragraphs 54 and 55 of the NPPF (delivering a wide choice of high quality homes, in rural areas).
60. LP Policy SF4 sets criteria for acceptable development in the countryside which reiterate and expand on the content of LP Policy H4. The criteria of LP Policy SF4 are consistent with the NPPF core planning principles, particularly the fifth bullet of paragraph 17, and with paragraph 28 (supporting a prosperous rural economy) as well as with paragraphs 54 and 55.
61. Moreover, ELP settlement boundaries closely match those covered by LP Policy H4 and the aims of ELP Policy S5 (Development in the Countryside) are similar to those of LP Policy SF4. They can, therefore, be given a significant degree of weight and I see no reason why, as relevant policies, they should be considered out of date. The proposals fail to meet any of the criteria of LP Policy H4 or LP Policy SF4.
62. The benefits of the proposals include the provision of market and affordable housing. This provision, in accordance with the three dimensions to sustainable development - economic, social and environmental - set out in the NPPF,²⁶ is very important, whether or not a five year HLS can be demonstrated.
63. Regarding the economic dimension, house prices are higher in the Derbyshire Dales District than in neighbouring areas, the county as a whole and the national average according to the HEDNA report.²⁷ This implies poor affordability for the young and less well-off, which could lead to an unbalanced age and social mix in the District. Clearly, increased supply is necessary to help relieve this potential problem.
64. However, the HEDNA has informed the ELP process and a significant number of sites have been allocated to meet the OAN, having regard to both quantum and location. ELP Policy S3 (Settlement Hierarchy) places Doveridge in the third tier (accessible settlements with limited facilities) of settlements towards which new development should be directed. It lies behind the first tier (market towns) comprising Matlock, Ashbourne and Wirksworth; and the second tier (local service centre) of Darley Dale. It is, therefore, not the primary or secondary focus of new development.
65. Moreover, the June 2016 Settlement Hierarchy paper²⁸ scores Doveridge at only four points out of 20, reflecting the number of businesses providing employment and the relationship of the settlement to nearby employment centres and large employment sites. This compares to 18 out of 20 for Darley Dale and 14 out of 20 for Matlock Bath and suggests that, to optimise economic benefit, additional housing would be better directed to higher scoring settlements.

²⁶ NPPF paras 7 and 8

²⁷ CD8.1, Section 6

²⁸ CD8.2

66. Short term economic benefits would flow from the construction process, and this should be given some weight, but it is difficult to know whether local labour would be involved. Similarly, the C2 facility would offer employment, but mostly to qualified staff who might well come from outside Doveridge. Household expenditure arising from the development would benefit the economy, but much would be spent outside Doveridge, and would be available to the wider local economy wherever housing were built.
67. Turning to the social dimension of sustainable development, Doveridge scores reasonably well at 13 out of 20 for social and community facilities and services in the Settlement Hierarchy paper. This compares with 13 out of 20 for Matlock Bath and 19 out of 20 for Darley Dale. Doveridge would have adequate social and community facilities, and transport links, to support the proposals. However, it became clear at the Inquiry that there would be very little employment available within the settlement, besides that which might be offered by a local crane hire firm.
68. It appears that, at present, residents typically travel outside Doveridge, to Uttoxeter or perhaps further afield to JCB at Rocester or Toyota at Burnaston for work. This characteristic pattern would increase under the proposals. Taken together with the 225 dwellings allocated or granted planning permission at the time of the Inquiry,²⁹ Scheme A would generate an increase of up to a 65% (or 73% with the C2 units) in the settlement's present tally of some 600 dwellings,³⁰ expanding its role as a dormitory village.
69. Apparently the interest from registered social providers in locating affordable housing within Doveridge is not strong. Whilst neither scheme would lead to affordable housing being built on site and, therefore would not satisfy LP Policy H4, a financial contribution equivalent to 35% affordable housing would be made through unilateral undertakings.³¹ This would allow the provision of affordable housing elsewhere in the District.
70. Although an allocated site, consistent with the settlement hierarchy might provide a similar level of contribution, this cannot be guaranteed. The appellant points to the quarry sites, in particular, where viability considerations might lead to low affordable housing yield. Moreover, the affordable housing contribution would be over and above any provision derived from allocated sites. The provision of affordable housing is an important consideration which weighs in favour of the scheme. However, it must be balanced against the harm identified.
71. The 47 C2 units provided under Scheme A would contribute to meeting need across the district, but they might be better provided in a larger settlement alongside existing GP and other healthcare facilities. Both schemes also provide 0.13 ha of land for a community facility. However, the East Staffordshire Clinical Commissioning Group has expressed no interest in the provision of a doctors' surgery on this land. Nor has interest been expressed by the local general practice, who note in addition that the extra care (C2) units would, through the nature of individuals' health and social care needs in a

²⁹ ID18

³⁰ ID8 –Appeal Statement from Doveridge Parish Council

³¹ ID22

standalone development, place a burden on the practice.³² Moreover, Doveridge is relatively well provided with community facilities near the centre of the village,³³ and no funds were identified at the Inquiry to develop a further facility on this land.

72. Concerning the environmental dimension of sustainable development, a significant area of public open space would be provided, accessible to new and existing residents. Moreover, the existing public footpaths would be retained. However, no general shortage of publicly accessible open space exists in Doveridge and the character of the footpaths would change for the worse.
73. The appellant notes that the proposals would result in an improvement to biodiversity through the provision of more varied habitats than exist at present under the site's agricultural use. It is not clear to me that this would be the case. The ecological appraisal³⁴ indicates that badgers might be disturbed, and that care should be taken with potential bat roosts, and with scrub, trees and hedgerows offering opportunities for foraging and nesting birds.
74. The noise attenuation bund would ameliorate some of the effects of traffic noise generated by the A50 for existing residents. However, as noted in the second issue, it would form an unnaturally prominent feature within the landscape. The second issue deals with the proposals' effect on the character and appearance of the landscape. It indicates that significant negative effects on the local environment would arise from the proposals.

Conclusions

75. I find overall that the harm arising from the effects of the proposals on the character and appearance of the landscape would clearly outweigh their benefits. The proposals conflict with the development plan overall and they also conflict with the relevant policies of the NPPF and the ELP. Material circumstances do not indicate that the proposals are acceptable.
76. A completed unilateral undertaking for each scheme was submitted.³⁵ Suggested conditions, showing the state of agreement between the main parties, were also put in³⁶ and discussed during the Inquiry. Further conditions were later suggested by Highways England. Neither the suggested conditions, nor the provisions of the completed planning obligations, alter the assessment leading to the decision to dismiss both appeal schemes.

Alan Novitzky

Inspector

³² ID24

³³ CD 9.1, Doveridge Neighbourhood Development Plan (draft), p.26

³⁴ CD1.9

³⁵ ID22

³⁶ ID19

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

James Corbet Burcher Of counsel, instructed by Derbyshire Dales District Council (DDDC)

He called:

Paul Wilson MCD DipTP Dip Mgmt, MRTPI Corporate Director and Deputy Chief Executive, DDC

Jonathon Mark Billingsley Director, The Landscape Partnership
BSc(Hons) BPhil CMLI

Chris Whitmore BA(Hons) MSc MRTPI Principal Planning Officer, DDC

FOR THE APPELLANT

Nina Pindham Of counsel, instructed by Diana Richardson, Gladman Developments Ltd

She called:

Richard Mowat MA MRTPI Director, Johnson Mowat Planning and Development Consultants LLP

Tim Jackson BA(Hons) DipLA CMLI Director, FPCR Environment and Design Ltd

Diana Richardson BA(Hons) MA MRTPI Planning Manager, Gladman Developments Ltd

INTERESTED PERSONS

Jacqueline Dew Chair of Doveridge Neighbourhood Plan Steering Group

Linda Priestley Chair of Doveridge Parish council

DOCUMENTS

CORE DOCUMENTS

CD1	ORIGINAL PLANNING DOCUMENTS
CD1.1	Planning application Form and Notice Letters
CD1.2	Site Location Plan
CD1.3	Illustrative Development Framework
CD1.4	Design and Access Statement
CD1.5	Landscape and Visual Assessment
CD1.6	Transport Assessment
CD1.7	Proposed Access Plan
CD1.8	Framework Travel Plan
CD1.9	Ecological Report
CD1.10	Arboricultural Assessment
CD1.11	Phase 1 Site Investigation
CD1.12	Flood Risk Assessment
CD1.13	Foul Drainage Analysis
CD1.14	Air Quality Screening Report
CD1.15	Noise Screening Report
CD1.16	Archaeological Desk Based Assessment
CD1.17	Socio Economic Report
CD1.18	Statement of Community Involvement
CD1.19	Planning Statement
CD1.20	Affordable Housing Report
CD1.21	Bat Survey
CD1.22	Rural Sustainability Report
CD2	ADDITIONAL/AMENDED DOCUMENTS SUBMITTED AFTER VALIDATION
CD2.1	Archaeological Desk Based Assessment with Geo Physical Survey Report
CD3	CORRESPONDENCE WITH DERBYSHIRE DALES DISTRICT COUNCIL
P.1-2	Email from Chris Whitmore (DDDC) to John Chorlton (Gladman) 31.5.16 re:CCG consultee response
P.3	Email from John Chorlton (Gladman) to Chris Whitmore (DDDC) 31.5.16 re:CCG consultee response
P.4-9	Email from Chris Whitmore (DDDC) to John Chorlton (Gladman) 19.5.16 re: consultation responses
P.10-12	Email from Chris Whitmore (DDDC) to John Chorlton (Gladman) 11.5.16 re: noise bund consultee response
P.13-15	Email from Chris Whitmore (DDDC) to John Chorlton (Gladman) 5.5.16 re: affordable housing consultation response
P.16	Email from Jon Penrose (Gladman) to Jeanette Cole (North Staffs NHS) 3.11.15 re: provision of doctors surgery CCG
P.17-20	Email from John Chorlton (Gladman) to Chris Whitmore (DDDC) 8.10.15 re: pre-application advice
P.21	Letter from East Staffs CCG to Adam Day (Gladman) 23.10.15 re: doctors surgery proposal
P.22	Letter from Adam Day (Gladman) to East Staffs CCG 22.10.15 re:

	doctors surgery proposal
CD4	VALIDATION LETTER
CD4.1	Validation Letter
CD5	RELEVANT CONSULTATION RESPONSES
CD5.1	Archaeology
CD5.2	Derbyshire Ramblers
CD5.3	Derbyshire Wildlife Trust
CD5.4	Flood Risk Management
CD5.5	Highways
CD5.6	Landscape
CD5.7	Noise
CD5.8	Parish council
CD5.9	Peak and Northern Footpaths
CD5.10	Severn Trent
CD6	COMMITTEE REPORT
CD6.1	Committee Report
CD7	THE DEVELOPMENT PLAN
CD7.1	Extracts of adopted Derbyshire Dales Local Plan to 2011 - LP Policy H4 added during the Inquiry
CD7.2	Adopted Local Plan Inset Map
CD7.3	Local Plan Schedule of Saved Policies
CD8	EMERGING LOCAL PLAN DOCUMENTS
CD8.1	Housing and Economic Development Needs Assessment (HEDNA) September 2015 EXTRACTS
CD8.2	Settlement Hierarchy Paper June 2016
CD8.3	Settlement Hierarchy Paper October 2015
CD8.4	Strategic Housing and Economic Land Availability Assessment August 2016
CD8.5	Emerging Local Plan Submission Extracts
CD8.6	Inspector's Preliminary Questions re: OAN and HLS (IN02)
CD8.7	Inspector's Preliminary Questions re: Strategic Site Allocations (IN06)
CD8.8	Schedule of Main Modifications
CD8.9	HEDNA Update Report Feb 2017
CD8.10	Updated SHELAA April 2017
CD8.11	Net Affordable Housing Completions
CD9	EMERGING NEIGHBOURHOOD PLAN DOCUMENTS
CD9.1	Draft Doveridge Neighbourhood Plan October 2016
CD9.2	Gladman representations to the Doveridge Neighbourhood Plan
CD10	EVIDENCE BASED DOCUMENTS
CD10.1	Annual Monitoring Report December 2016
CD11	RELEVANT APPEAL DECISIONS

CD11.1	APP/H1840/W/15/3008340 – Worcester Road, Drakes Broughton
CD11.2	APP/D3125/W/15/3139687 - Land west of Shilton Road, Burford
CD11.3	APP/P1045/W/15/3132535 – Land off Wheeldon Way, Hulland Ward
CD11.4	APP/P1045/A/14/2227116 – Land at Asker Lane, Matlock
CD11.5	APP/P1045/A/14/2218952 – Land off Old Derby Road, Ashbourne
CD11.6	APP/K3415/A/14/2224354 – Land off Watery Lane, Curborough, Lichfield
CD11.7	APP/X0360/A/13/2209286 – Land west of Beech Hill Road, Spencers Wood
CD11.8	APP/X1545/W/15/3009772 – Land off Southminster Road, Burnham-on-Crouch
CD11.9	APP/H1840/A/13/2199085 – Land at Pulley lane, Droitwich Spa
CD11.10	APP/X1545/W/15/3032632 – Land off Maldon Rd, Great Totham
CD11.11	APP/P1045/W/16/3148676 – Land to the east of Derby Road, Doveridge
CD11.12	APP/P1045/W/17/3167657 - Land to the east of Derby Road, Doveridge
CD12	RELEVANT JUDGMENTS
CD12.1	Woodcock Holdings [2015] EWHC 1173 (Admin)
CD12.2	Phides Estates [2015] EWHC 827 (Admin)
CD12.3	Wheatcroft [1982] 43 P.&C.R. 233
CD12.4	Suffolk Coastal Supreme Court Judgment [2017] UKSC 37
CD12.5	Hinckley & Bosworth Judgment [2014] EWHC 754
CD12.6	Gallagher Judgment [2014] EWCA Civ 1610
CD12.7	Hunston Judgment [2013] EWHC 2678 (Admin)
CD12.8	Wainhomes Judgment [2013] EWHC 597 (Admin)
CD12.9	Suffolk Coastal Judgment [2016] EWHC Civ 168
CD12.10	Daventry Judgment [2016] EWHC Civ 1146
CD12.11	Shropshire Council Judgment [2016] EWHC 2733 (Admin)
CD12.12	St Modwen Judgment [2016] EWHC 968 (Admin)
CD13	SCHEME B PLANNING APPLICATION DOCUMENTS
CD13.1	Development Framework Plan Rev R
CD13.2	Development Framework Plan Rev S
CD13.3	Design and Access Statement
CD13.4	Landscape and Visual Impact Assessment
CD13.5	Planning Statement
CD13.6	Site Location Plan Rev D
CD13.7	Officer Report
CD13.8	Decision Notice
CD13.9	Site Location Plan Rev C
CD14	OTHER CORE DOCUMENTS
CD14.1	EIA Screening Response 8 th June 2016
CD14.2	Noise Modelling Report January 2016 (165 unit scheme)
CD14.3	Submitted Access Arrangements (F0296-001-002A)
CD14.4	Landscape Character Area of Derbyshire Extracts
CD14.5	Technical Support Document 1 – Areas of Multiple Environmental Sensitivity 2013
CD14.6	Landscape Character Derbyshire Dales Extract
CD14.7	East Midlands Regional Landscape Character Assessment

CD14.8	GLVIA3 Extracts
CD14.9	Derbyshire Dales District Council Landscape Sensitivity Study, Aug 2015
CD14.10	NEACA 68 Needwood and South Derbyshire Claylands Extracts
CD14.11	Strategic Housing for Older People Analysis Tool – Derbyshire Dales
CD14.12	Noise Modelling Report November 2016 (100 unit scheme)
CD14.13	Staffing Levels in Care Homes
CD14.14	Email from Derbyshire Dales re: Neighbourhood Plan Reg 15
CD14.15	Arboricultural Assessment March 2017
CD14.16	Access Appraisal Plan February 2017
CD14.17	Development Framework Plan (165 units) Feb 2017
CD14.18	Letter from Doveridge Parish Council
CD14.19	Letter dated 19.1.17 to PINS from Gladman re: Scheme B
CD14.20	Email dated 27.5.16 from CCG to DDDC re: doctors surgery
CD14.21	Gladman letter to DDDC re: amendment to development description
CD14.22	Email from DDDC to Gladman agreeing to amendment to description
CD14.23	Landscape Character and Design SPD
CD14.24	C2 Extra Care planning permissions granted since April 2013
CD14.25	NLP publication, Start to Finish, November 2016
CD14.26	Documents re: Gladman’s consultation on Scheme B
CD14.27	Revised Education Contribution Request
CD14.28	Net Affordable Housing Completions
CD14.29	Tansley Wood Mills Marketing Photo
CD14.30	Derby Road Access Drawing
CD14.31	PRIME Technical Note to Derbyshire Highways
CD14.32	SoCG Land at Marston Drive, Doveridge
CD14.33	APP/P1045/W/16/3148676 – Land to the East of Derby Road, Doveridge
CD14.34	APP/P1045/W/16/3167657 – Land to the East of Derby Road, Doveridge
CD14.35	Gleeson, Derby Road, 12.7.16 Planning Committee Report
CD14.36	DDDC Planning Committee Agenda 13.6.17

INQUIRY DOCUMENTS

ID1	Appellant’s opening submissions
ID2	Council’s opening submissions
ID3	Letter dated 27 March 2015 from DCLG to PINS re: landscape character
ID4	Planning application form, Scheme B
ID5	Material superseding and developing paras 10.4.2-10.4.5 of Miss Richardson’s proof
ID6	Material re: public notification of the appeal
ID7	S106 agreement re: the redevelopment of St Elphins School for C2 use
ID8	Doveridge Parish Council’s appeal statement
ID9	Doveridge Neighbourhood Plan Steering Group appeal statement
ID10	Map of Areas of Multiple Environmental Sensitivity
ID11	DDDC Emerging Local Plan timetable
ID12	SHLAA Tables
ID13	Maps accompanying SHLAA Tables
ID14	Percentage Lapse Rate by year table
ID15	Johnson Mowat estimates of 5yr HLS figures, at Inquiry opening 13.6.17
ID16	BVA Viability Review Statement, Matlock quarry sites, June 2017

- ID17 Appeal decision APP/P1045/W/16/3145895, Land Adjacent, 2 Bell Villas
- ID18 Table, Number of new homes allocated/granted pp in Doveridge 16.6.17
- ID19 Suggested planning conditions
- ID20 Email dated 24.5.17 re: s106 obligation numbers, and DCC Developer Contributions Protocol, September 2016
- ID21 Report to 15.6.17 Community and Environment Committee: Affordable Housing Development Programme
- ID22 Completed s106 unilateral undertakings, Schemes A and B
- ID23 Responses to Gladman's Scheme B consultation exercise
- ID24 Letter from the CCG dated 30.1.17 and associated emails
- ID25 Off-site affordable housing contributions, background to calculations
- ID26 Email dated 20.6.17 re: education contribution calculations
- ID27 Agenda, Council Meeting to consider the emerging LP 20.6.17
- ID28 Council's Tables, 5yr HLS position, 1.4.17, with/without St Elphins C2 completions
- ID29 Appellant's 5yr HLS comparative estimates, 15.6.17, following round table session
- ID30 Critical Plans, Scheme A
- ID31 Critical Plans, Scheme B
- ID32 Council's closing submissions
- ID33 Appellant's closing submissions

Richborough Estates