



Appeal Decision

Site visit made on 28 July 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th October 2025

Appeal Ref: APP/P1045/W/25/3361297

Land at Rear of Farm Cottage, Old Hackney Lane, Matlock, Derbyshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Sam Jones on behalf of Stancliffe Homes Limited against the decision of Derbyshire Dales District Council.
 - The application Ref is 23/01275/FUL.
 - The development proposed is erection of 37no. residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 37 no. residential dwellings at Land at Rear of Farm Cottage, Old Hackney Lane, Matlock, Derbyshire in accordance with the terms of the application, Ref 23/01275/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Stancliffe Homes Limited against Derbyshire Dales District Council. This is the subject of a separate decision.

Preliminary Matters

3. The address of the appeal site provided on the planning application form was vague and imprecise. I have therefore used the address used by the Council on its decision and by the appellant on the appeal form.
4. The Council's decision notice makes reference to a conflict with Policy PD8 of the Derbyshire Dales Local Plan ('DDLP'). This policy relates to managing flood risk, while the single reason for refusal relates solely to the effect of the proposal upon the character and appearance of the surrounding area and landscape. Therefore, although matters of flood risk are issues of concern for interested parties, the Council did not refuse planning permission on this basis, and it has clarified within its evidence that it considers there to be no conflict with this policy. It is not, therefore, determinative in my consideration of the main issue that I have identified.
5. The evidence includes a planning obligation, which I will return to later in my decision.

Main Issue

6. The main issue is the effect of the proposal upon the character and appearance of the surrounding area and landscape.

Reasons

7. The appeal site amounts to around 2 hectares of land across two existing fields adjacent to Old Hackney Lane and is situated between Matlock and Darley Dale. The north-western area is part of a field associated with a smallholding with stables, and which contains a large pond surrounded by trees and other mature undergrowth. The more south-eastern area, which is separated from the land to the north by stone wall, is located behind a row of cottages and barns. It is common ground that the north-western area of the appeal site forms part of a larger housing allocation in DDLP Policy HC2(i), amounting to 57 dwellings. A separate parcel of land upon which planning permission was granted¹ for 27 homes in 2023, is located to the west of the appeal site and forms the remainder of the allocated housing site. This development did not appear to have commenced at the time of my site visit.
8. The appeal site is located within the broad valley associated with the River Derwent, and the appeal site rises towards the north-east. Opposite, on the other side of Old Hackney Lane is a National Health Service ('NHS') facility identified as Whitworth Hospital. This lies at a slightly lower level than the appeal site, as the valley side continues to fall towards the river.
9. The area of the appeal site allocated for housing within the LP is located within the settlement limit of Matlock as established through DDLP Policy S3. The remainder of the site is adjacent to, but beyond, the settlement boundary. DDLP Policy S4 states that planning permission will be granted for development where it represents development of the edge of defined settlements development boundaries on first, second and third tier settlements where there is no five-year housing land supply, subject to consideration against other provisions of the DDLP and the National Planning Policy Framework ('the Framework').
10. The main area of Matlock lies to the south and south-east, with the north-western extent of the settlement being contained, to some extent, by the A6 to the south-west and Old Hackney Lane to the north-east until these roads meet at a point to the north-west of the appeal site. However, this pattern of development is not universal, and there are examples of development on the north-eastern side of Old Hackney Lane, including around the appeal site, both to the south-east and north-west.
11. Much of the proposal would be located either within the established settlement boundary or would be located to the rear of development which already addresses the north-eastern side of Old Hackney Lane. As a result, the appeal site has only a minor role in terms of its contribution to maintaining the separation between settlements when seen from this road.
12. The proposal would extend development further to the north-east, up the side of the valley towards Upper Hackney, however this level of extension would be minor in the context of the size of the area of overall open land that currently separates development along Old Hackney Lane with development at the crest of the valley shoulder along Hackney Road, and the appeal proposal would extend no further in this direction than either the previously allowed scheme on the adjacent site, or existing housing development at Darley House Estate. Accordingly, the proposal would not contribute towards coalescence to an unacceptable degree.

¹ AAP/P1045/W/24/3341703

13. The appellant has provided a Landscape and Visual Impact Assessment ('LVIA'), which it is stated, has been carried out in accordance with recognised industry methodologies. The Council has commissioned its own work in relation to the provided LVIA which raised some points of disagreement in both findings and methodology. Points of disagreement include the assessment of the level of sensitivity of the local landscape and receptors, the choice of assessed viewpoints, and the level of assessed magnitude of change in relation to some of the assessed viewpoints.
14. It is common ground that the appeal site lies within an area identified within the Landscape Sensitivity Study ('LSS') as being of high sensitivity. However, the provided LVIA identifies a lower level of medium sensitivity. The LSS is a strategic assessment of landscape sensitivity and acknowledges that variations at a more local level could occur. The appellant's approach in adopting a more local assessment, is not therefore, unreasonable, and the evidence before me does not indicate that the sensitivity of the landscape would warrant a universal assessment of "high" when considered at the local level, beyond the strategic assessment in the LSS. This factor does not, therefore, undermine the provided LVIA, nor do the conclusion that the Council reached in relation to the assessment of the site within Strategic Housing Land Availability Assessment.
15. The LVIA considers 11 viewpoints. Of these, four are located within close proximity to the appeal site. The remainder generally provide longer views from the other side of the river. There is general agreement between the parties that the most significant effects of the proposal are most likely to be in local views. The viewpoints provided within the LVIA allow an appreciation of the level of effect that proposal would have from several locations. While additional viewpoints could have been assessed, there is no compelling evidence before me to indicate that any key viewpoints have been omitted, or that the magnitude of change that would likely result from the development at a local level cannot be wholly appreciated.
16. The Council considers that the LVIA has underassessed the level of magnitude of effect in relation to three of the eleven viewpoints ('VP'), namely VP1, VP8 and VP10. This variance is the result of several factors; the disagreement in terms of receptor sensitivity, and the assessed level of change.
17. In relation to VP1, the proximity of the viewpoint to the site at a location on Old Hackney Lane, which is likely to be regularly travelled by residents both in vehicles and by other means, means that its sensitivity is greater than the medium level identified in the LVIA, having regard to the methodology set out within this document. Furthermore, despite the presence of the sizeable stone wall at the southern boundary of the appeal site, the setback of the development frontage from the road and the context of other residential properties located to the north and at a higher level, the magnitude of impact would be greater than the high level identified within the LVIA. The level of change would be both substantial and obvious. On this basis, the significance of effect would exceed the moderate adverse level identified by the appellant.
18. VP8 is a scenic vantage point providing a wide view across the valley and providing a fine level of appreciation of the settlement pattern and urban grain of areas to the north and east, and how these interact with, and are informed by, topography and local landscape character. This receptor is therefore of high sensitivity.

19. However, given the wide nature of the view, the proposal would form just a small part of it, and the ability to read the landscape would not be unduly hindered. It is likely that the proposal would be screened to an extent by existing vegetation and proposed mitigation. The overall settlement pattern which can be appreciated within this view would not be undermined. The magnitude of change would not, therefore, be any more than of a low level. Taking these elements together, the significance of effect would be greater than the negligible to minor adverse level identified by the appellant, but not of the moderately adverse level concluded by the Council.
20. The parties agree that VP10 is of very high sensitivity. However, the appeal site is around 2.7 kilometres from this point. As with VP8, although the proposal would be at least partially visible, it would appear as a small part of a much larger vista, and the existing separation of settlements and the local pattern of development would remain discernible, as would the inherent character of the landscape type. The significance of effect would exceed a negligible level, but would not amount to a moderate level. It therefore follows that the magnitude of impact would also exceed a negligible level but would not amount to any more than moderate harm.
21. Public Footpath 46 follows the south-western boundary of the site between VPs 2 and 3 within the LVIA. I walked the length of the footpath between these points at my visit to the site and the path was slightly sunken in nature, narrow and heavily contained by existing dense vegetation on both sides, although there were some gaps on the eastern side of the footpath.
22. The character of the footpath is very self-contained and the appeal site was barely perceptible beyond the vegetation which heavily filters existing views. I visited in summer months and I acknowledge that the level of filtration of views through vegetation may be reduced at other times of the year. However, the density of existing vegetation, along with proposed additional measures means that although the appeal proposal could be perceived from the footpath, it would not be visually intrusive or unacceptably urbanise views from the footpath or harm its character.
23. The appeal site is situated within the Darley Dale Neighbourhood Plan ('DDNP') area. DDNP Policy NP11 sets out design principles for residential development. The Council has raised no concerns in relation to the layout and overall design of the proposal, and I have no reason to reach a different conclusion. The use of appropriate materials and detailed design matters could be secured by means of planning conditions. I therefore conclude that the proposal would not be harmful in these respects. Although my attention has been drawn to other policies within the DDNP in relation to the Lower Hackney area, there is no evidence before which confirms that the appeal site is located within this sub-area.
24. Drawing these strands together, the proposal would not lead to unacceptable levels of coalescence between settlements. It would, however, lead to a level of landscape harm, which would vary depending upon the location of the receptor. In particular, the proposal would be prominent and obvious in local views from Old Hackney Lane as an urbanising feature on land that is currently open, and it is unlikely that the mitigation proposed would remedy this harm entirely. However, the evidence before me does not demonstrate that significant levels of harm would occur.
25. The proposal would lead to harm to the character and appearance of the surrounding area and landscape. In doing so, it would conflict with DDLP Policies

S4 and PD1, which together and among other factors seek to protect, enhance and restore landscape character, and resist development which would harm the character of the local and wider landscape. I do not, however, find conflict with the provisions of DDNP Policies NP7, NP11 and NP17, the requirements of which I have set out above.

Other Matters

Planning obligations

26. A signed and dated agreement under Section 106 of the Town and Country Planning Act 1990 has been submitted which provides for various obligations. In line with CIL tests the Framework explains in paragraph 58 that planning obligations must only be sought where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is therefore necessary for me to consider these obligations in detail and reach a finding on them having regard to the above tests.
27. DDLP Policy HC4 requires all developments of 11 dwellings or more to provide at least 30% of dwellings as affordable housing across a mix of tenures. The planning obligation makes provision for the delivery of 11 affordable dwellings within the scheme, which would amount to 29.73%. An affordable housing contribution would be secured in lieu of an additional partial unit in order to provide equivalent provision of 30%. Together, these measures would be necessary to meet the relevant local plan policy requirements set out within DDLP Policies HC4 and HC11 and would be reasonable in scale and kind.
28. The obligation includes a financial contribution of £162,396.88 towards increasing capacity at a local school for primary school pupils. The Council has indicated that sufficient capacity currently exists for secondary school pupils, and therefore no financial contribution has been proposed.
29. Derbyshire County Council ('DCC'), within its comments, highlighted that the cost of a primary pupil place would amount to £20,299.61 and that figure is based upon the Building Cost Information Service All in Tender Price Index. I have no reason to doubt that this figure is reasonable. On the basis that the proposal would generate an additional demand of 9 primary school places, the provided figures indicate that a contribution of £182,696.49 would be required to mitigate the effects of the development.
30. The evidence before me does not provide explanation as to why the agreed figure in the planning obligation is lower than that which would be required on the basis of the DCC representation; the secured contribution would provide for 8 additional school places, rather than the 9 spaces stated as being required. Therefore, while I find that the contribution would meet the relevant tests, in accordance with DDLP Policy S10, and I therefore am able to afford weight to it, I cannot be certain that it would wholly mitigate the effects of the development in this regard. I will return to this below.
31. A contribution towards open space provision is also proposed in lieu of the incorporation of a Local Area of Play ('LAP') within the proposal. DDLP Policy HC14 requires developments of greater scale than 11 dwellings to provide or contribute towards public open space and sports provisions. Table 6 of this policy

sets out the requirements in this respect. The proposed contribution is directly related to the development, is necessary in order to make it acceptable, and being based upon figures within the Council's Developer Contributions Supplementary Planning Document, is fairly and reasonably related in scale and kind.

32. The obligation also includes a payment of £154 to DCC in relation to monitoring costs. Planning Practice Guidance ('PPG') states that authorities can charge a monitoring fee to cover the cost of monitoring and reporting on the delivery of relevant planning obligations. It also states that in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring.
33. The contribution of £154 aligns with the request of DCC for a contribution of £77 for each relevant trigger. As the education contribution, which would be paid to DCC, incorporates two triggers, the payment of £154 is reasonable in this respect. DCC has indicated that the contribution amount is calculated on the basis of a Grade 12 officer undertaking relevant monitoring work. This modest sum is proportionate and reasonable, and there is no evidence before me to suggest that it would not reflect the actual cost of monitoring.
34. The planning obligation includes an additional commitment by the appellant to provide details of open space management, and to ensure that open space is maintained and made available for such purposes for the lifetime of the development. Such a commitment would secure a suitable standard of development in accordance with DDLP Policy HC14 in perpetuity.
35. Overall, I am satisfied that the provision of these measures and financial contributions within the planning obligation are necessary to make the development acceptable in planning terms, are directly related to the development, and fairly and reasonably related in scale and kind. They would, therefore, meet the relevant tests, and I afford weight to them accordingly.

Interested Parties

36. A number of interested parties have raised concern in relation to the effect of the proposal upon flood risk, with specific concern being raised in relation to the disposal of surface water via an existing culvert² which passes from the pond currently within the appeal site, underneath Old Hackney Lane, and into the NHS site opposite.
37. The provided drainage information indicates that a land drain and UPVC pipe currently feeds the existing pond within the appeal site from land above it. The pond itself then discharges into the culvert at a point closer to the road. It is evident that the proposal would require the filling of the existing pond, with the flows from higher ground diverted into the stone culvert via a 450mm pipe. This would not result in any additional flows from within the appeal site entering the culvert, and would carry off-site flows only. These flows currently enter the culvert via the pond in any case.
38. Surface water from within the proposal itself would be attenuated on-site before being released at a controlled rate into a combined drainage sewer located on Old Hackney Lane. This would avoid additional flows into the existing culvert, which is discounted within the provided Flood Risk Assessment as means to provide

² within the evidence, referred to by various parties as a "sough", however I understand that the terms are broadly interchangeable.

drainage for the proposal, and I note that neither the Council, Lead Local Flood Authority nor Severn Trent Water have raised any objections to this arrangement.

39. On this basis, there is no substantive evidence before me to indicate that the proposal would be likely to increase flood risk either at the appeal site or elsewhere. Even if the reconnection of the culvert was not to represent a method of connection wholly in accordance with the DCC guidance in relation to culverts, given that there is no reason for me to conclude that the proposal would increase either the volume or flow rate of water within this system, no harm would result from this arrangement.
40. The future management and maintenance of the culvert falls outside the scope of this appeal, particularly as it has not been shown that the proposal would lead to a materially worse situation than exists at present. This matter would remain a consideration for the relevant landowners regardless of the outcome of this appeal, given that it has been established that the culvert already serves a surface water drainage function and would continue to do so.
41. It is stated that the proposal would amount to development in the Green Belt, that other forms of development would be preferable and that brownfield sites should be considered as an alternative. There is no substantive evidence before me to confirm that the site is located within the Green Belt and the Council has not indicated that this is the case within its evidence. I am required to consider the proposal which is before me, rather than alternative forms of development which may, or may not, be acceptable in this location but have not been put before me.
42. While the Framework is supportive of the development of brownfield sites, this does not mean that the development of other sites is inherently unacceptable, and a mix of sites is likely to be required in order to meet housing supply requirements. In this respect it is notable that part of the appeal site is allocated for housing development within the LP, despite its current character.
43. Old Hackney Lane connects Darley Dale and Matlock. I saw that it was well-used, although not notably busy at the time of my visit. A number of interested parties have highlighted the use of the road as a rat-run, raised concerns that levels of traffic likely to be generated by the proposal have been underestimated, and that the proposal would adversely affect pedestrian safety.
44. The evidence before me includes a Transport Statement ('TS') prepared by appropriately qualified individuals. The trip generation assessment within this document follows established methodology using TRICS data and concludes that the development would be likely to generate a maximum of 21 two-way vehicle trip movements in both the AM and PM peak hours. This is a relatively low level of trip generation which would be unlikely to have a significant impact on the operation of the wider highway network. My attention has not been drawn to any specific weaknesses within the provided TS, and I therefore afford it significant weight.
45. I saw that pedestrian footways are present along Old Hackney Lane. While they vary in width, my own experience was that they did not appear to be excessively narrow. Moreover, there is no evidence before me to demonstrate that there have been any past road safety incidents involving pedestrians, such that there would be an indication that the existing situation is unsafe. In the absence of any such evidence, I consider that the level of additional pedestrian traffic generated by the proposal would not result in an unacceptably unsafe pedestrian environment.

46. I acknowledge that the construction of the proposed development would have the potential to lead to inconvenience to local residents, including works to the highway. However, such effects would be time-limited and could be managed by means of planning condition. Such concerns would not justify the withholding of planning permission in this instance.
47. There is no indication that the development would lead to unreasonable levels of noise or light pollution. It would be located close to an existing residential area, where a degree of activity associated with residential dwellings would normally be expected. I have not been directed to any particular threshold or planning policy requirements in these respects, and there is no evidence to demonstrate that the proposal would be unacceptable in this regard.
48. My attention has been drawn to a number of other recent residential developments, and concerns have been raised in relation to the amount of new development in the area. However, new development in itself is not inherently harmful, provided that it is in a location and of a nature that enables its assimilation.
49. The evidence indicates that some of the examples referred to relate to sites allocated for residential development within the DDLP, and as set out above, the appeal site in this instance is also partially allocated for such purposes. Each proposal should be considered on its own merits, and other than matters of coalescence, which I have addressed above, there is no other substantive evidence before me to indicate that the proposal would result in a cumulative level of new residential development, such that it be unacceptably harmful. As set out above, the provided planning obligation would provide mitigation for the development where necessary, and it has not been demonstrated that other, specific and substantiated harms would result in these respects.
50. Concern has been raised that the proposal would result in loss of light and privacy to existing occupiers on Darley House Estate. However, the proposal would be separated from the closest dwellings on Darley House Estate by an existing open field, albeit subject to an extant planning permission for residential development. Given the level of separation between the proposal and these properties, I consider that it would not give rise to unacceptable living conditions for occupiers of these properties. Whether the proposal would affect views from existing houses over third-party land is a matter outside the scope of this appeal.
51. Moreover, I am aware that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. There is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conditions

52. The parties have provided a list of agreed conditions which I have considered in the context of the relevant tests set out in the Framework and PPG. Where necessary, I have sought the agreement of the appellant in relation pre-commencement conditions in accordance with Section 100ZA of the Neighbourhood Planning Act 2017. I have carried out minor edits and combined conditions to ensure that the conditions meet the relevant tests, and to avoid duplication.

53. In addition to the standard time limit condition, I have included an approved plans condition [2] in the interest of clarity. To ensure that adequate drainage is provided both during construction and thereafter, conditions [3] and [4] to this effect are imposed and are required to be pre-commencement in order to secure adequate drainage measures at the outset of the development. Conditions [5] and [6] are attached in the interests of protected species and biodiversity and are required to be pre-commencement to ensure that protective measures are in place from the outset. A condition [7] relating to archaeological works is necessary in order to ensure that any previously unknown heritage assets are appropriately managed. This condition is required to be pre-commencement to ensure that early groundworks do not damage or destroy any potential remains.
54. I have attached condition [8] to ensure that the development is carried out in an appropriate manner in the interests of the environment and the living conditions of local residents. Condition [9] is necessary in order to secure the stated 10% biodiversity net gain.
55. To ensure that future residents are adequately protected from any on-site contamination, I have imposed Condition [10]. Condition [11] is necessary to ensure that existing trees are maintained and if damaged, replaced, in the interests of biodiversity and the character and appearance of the area.
56. Conditions [12], [13] and [14] are necessary in the interests of highway safety, while Condition [15] is attached in order to secure the appropriate implementation and retention of street trees in the interests of the character and appearance of the area.
57. Condition [16] is imposed to achieve an appropriate landscaping scheme, [17] in order to ensure the use of appropriate external materials, and [18] to secure details and implementation of appropriate boundary treatments. All of these conditions are necessary in the interests of the character and appearance of the area.
58. Condition [19] is necessary to promote sustainable forms of travel, while [20] is required to achieve energy and natural resource efficiency. Both are necessary in the interests of climate change.

Planning Balance and Conclusion

59. It is common ground between the main parties that the Council cannot currently demonstrate a five-year supply of suitable housing sites. The most recent changes to the Framework in relation to calculating housing requirements means that the annual requirement has increased, and that prior to this the Council could demonstrate only a 3.82 years supply of suitable housing sites. The appellant has indicated, and it is not disputed, that the Council's most recent Annual Monitoring Report has identified that the level of supply has now fallen to 1.36 years. I am therefore taken to paragraph 11 (d)(ii) of the Framework.
60. The proposal would result in harm to the character and appearance of the surrounding area and landscape and would conflict with the development plan as a result. Whilst this harm would be generally be no more than moderately adverse in longer views, and likely to reduce over time, more local effects would be greater and likely to persist. Taking account of the fact that part of the appeal site is allocated for housing within the DDLP, and would therefore be expected to be

subject to residential development at some point, I consider that the overall level of harm would be moderate.

61. I also cannot be certain that the agreed financial contribution towards providing additional primary school places would wholly mitigate the effects of the development. As the stated shortfall would amount to a single primary school place, and there is inherent variation in terms of the exact level of demand generated by housing developments, I afford this minor weight as a further adverse effect of the development.
62. Weighing against this is the significant shortfall in the supply of suitable housing sites within the area. Having regard to the government's stated ambition to significantly boost the supply of housing, as set out at paragraph 61 of the Framework and within the "Building the homes we need" Written Ministerial Statement, and the number of dwellings which would be delivered, this is a factor which weighs heavily in favour of the proposal. Moreover, the proposal would deliver affordable housing, along with economic benefits in the shorter-term during construction, and in the longer-term following occupation, as well as a 10% biodiversity net gain. These are further, minor benefits of the proposal.
63. Taken together, the harms that I have identified would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole, and having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places.
64. I therefore conclude that although the proposal would be contrary to the development plan when read as a whole, that there are, in this instance, material considerations which would indicate taking a decision other than in accordance with it. The appeal is therefore allowed.

C Harding

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in accordance with the following approved plans and documents, subject to the following conditions:

2139.02 D STEN Location Plan - 19/01/24

2139.01 U STEN Planning Layout - 03/10/2024

House Types

2319.WIN.01 Elevation Plan Windsor - Plot 31 - 19/01/2024

2139.WIN.02 Floor Plan Windsor - Plot 31 - 19/01/2024

2319.THO.01 Elevation Plan Thornham - Plots 18/25/27/29/34 - 19/01/2024

2319.THO.02 Floor Plan Thornham - Plots 18/25/27/29/34 - 19/01/2024

2139.TEN.01 Elevation Tenby - Plot 17 - 19/01/2024

2139.TEN.02 Floor Plan Tenby - Plot 17 - 19/01/2024

2139.ARL.01 Elevation Arlington - Plot 19/26 - 19/01/2024
 2139.ARL.02 Floor Plan Arlington - Plot 19/26 -19/01/2024
 2139.ASH.01 Elevation and floor plans Ashton Plots 22/30/38 -19/01/2024
 2130.CAM.01 Elevation Cambridge - Plots 12/14/15/23/24/32 - 19/01/2024 72
 2130.CAM.02 Floor Plan Cambridge - Plots 12/14/15/23/24/32 - 19/01/2024
 2139.BUR.01 Elevation and floor plans - Burford Plots 5 and 37 - 19/01/2024
 2139.HAR.01 Elevation and floor plans Harwood Plots 1/2/3/4 - 19/01/2024
 2139.PEM.01 Elevation and floor plans Pembroke Plots 33 and 35 - 22/01/2024
 2139.GAI.01 Elevation and floor plans Gainsborough Plots 10/11/20/21 -
 22/01/2024
 2139.LAN.01 Elevation Langley Plots 6/7/8/9 23/01/2024
 2139.LAN.02 Floor Plans Langley Plots 6/7/8/9 23/01/2024
 2139.OXF.01 Oxford - 22/01/2024
 2139.OXF.02 Oxford - 22/01/2024
 2139.OXF.03 Oxford Plot 28 - 22/01/2024
 2139.OXF.04 Oxford Plot 28 - 22/01/2024
 2139 2139.05 D Cross Section – 19/01/2024
 2139.B.01 Bins Store - 22/01/2024
 2139.G.01 Garages - Single plots 5/10/11/16/17/22/30/37/38 Double plots
 28/31/33/35/36 - 22/01/2024
 2139.03 E Materials Layout 22/01/24
 2139.04 D Street Scenes 22/01/24
 2139.06 E Boundaries Treatment Plan 22/01/24
 Landscaping Plan sheets 1-4: P22-2110_EN_0009_E_0001, P22-
 2110_EN_0009_E_0002, P22-2110_EN_0009_E_0003 and P22-
 2110_EN_0009_E_0004, - 6/12/23
 Stancliffe Finished Floor Level Plan SH-OHLA-0001 REV A - 6/12/23
 Stancliffe Sec 38 Layout SH-OHLA-0002 REV A - 6/12/23
 Stancliffe Engineering Layout SH-OHLA-0003 REV A - 6/12/23
 Stancliffe Flood Routing Layout Plan SH-OHLA-0004 REV A - 6/12/23
 Stancliffe Sightlines Plan SH-OHLA-0005 REV A - 6/12/23
 Stancliffe sightlines viewpoint 1 SH-OHLA-0006 REV A - 6/12/23
 Stancliffe sightlines viewpoint 2 SH-OHLA-0007 REV A - 6/12/23
 Stancliffe Site Set Up Plan SH-OHLA-0008 REV C - 22/03/2024
 Stancliffe Plot Density Plan SH-OHLA-0009 - 06/12/2023
 Stancliffe Solar Location Plan SH-OHLA-0010 - 06/12/2023
 Stancliffe Tree Protection Barrier Plan SH-OHLA-0011 - 22/03/2024
 Stancliffe Visibility Splay Plan SH-OHLA-0012 REV A - 02/05/2024
 Stancliffe Watercourse Diversion Plan SH-OHLA-0013 REV B - 02/08/2024
 Eastwood Engineering Layout 0011 P04 - 07/05/2024
 Eastwood Flood Risk Assessment 47376-003 Issue 5 - 02/08/2024
 Drainage calculations 01/05/2024
 Stancliffe Surface Water Diversion Report REV A - 02/08/2024
 Eastwood Watercourse Diversion Technical Note 47376-ECE-XX-XX-RP-C-
 0004 – 12/08/2024 (Within Additional info from the applicant email - 19/08/2024)
 Pegasus Landscape Management Plan P22-2110 | Rev 5 - 22/01/2024
 Construction Method Statement & Environmental Management Plan Rev C
 22/03/2024
 Geotechnical & Geo-environmental Site Investigation 47376-002 - 23/01/2024
 Tree Protection Method Statement - 22/03/2024
 Transport Statement March 2024 LTP/22/5154 Final Issue 1C 22/03/2024

Proposed Off-Site Highways Works LTP/5154/P1/01.0173

3. Prior to commencement of the development a detailed design, delivery timetable and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within the documents "Flood Risk Assessment Issue 5" (Eastwood Consulting Engineers 31/07/2024), "Geotechnical & Geo-environmental Site Investigation" (Eastwood Consulting Engineers 01/11/2022) and "Watercourse Diversion Technical Note Issue 2" (Eastwood Consulting Engineers 12/08/2024) including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team, and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall only be carried out and drainage infrastructure maintained in accordance with the approved details.
4. Prior to commencement of the development, the applicant shall submit for approval to the local planning authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The approved system shall be operating to the satisfaction of the local planning authority, before the commencement of any works which would lead to increased surface water run-off from site during the construction phase.
5. Prior to the commencement of works (including clearance of grassland, pond, refugia piles, hedgerow and scrub, groundworks or the introduction of machinery / materials to site) an Amphibian Method Statement shall be submitted to the local planning authority. This shall include reasonable avoidance measures and seasonal timings for habitat clearance. It shall specifically include a protocol for removal of the existing onsite pond, which shall include drawdown under supervision of an ecologist and rescue / transfer of individuals to nearby waterbody / marshy area. The amphibian method statement shall be implemented in full, and a statement of compliance submitted at the end of site clearance works.
6. Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development, temporary tree protection fencing shall be erected according to the approved specification (or as specified by British Standard 5837:2012) and positioned such that 100% of the Root Protection Area (as defined by British Standard 5837:2012) of every retained tree on, and adjoining, the site is enclosed by the fencing within construction exclusion zones. All guidance provided by the submitted Arboricultural Impact Assessment 22062 REV B, sections 5-12 shall be followed.

This fencing will remain in place and intact until all development works at the site have been completed and all equipment, plant, machinery, surplus materials and waste have been removed from the site; and no ground level change, excavation, underground services installations/removals, surfacing, or construction shall take place within the fenced areas.

There shall be no access to the fenced areas for pedestrians/plant/vehicles; waste/equipment/materials/consumables/spoil storage; no fires in the fenced areas or within 10m of them; no fuel, oil, cement, concrete, mortar or washings shall be allowed to flow into the fenced areas.

The fence shall have affixed to it at 6m intervals, and at eyelevel, weatherproof signs, at least A4 in size, requiring that the above requirements are adhered to.

The development shall be carried out in accordance with the Tree Protection Method Statement, Site Set Up Plan SH-OHLA-0008 Rev C, Tree Protection Barrier Plan, Tree Impact Plan, Construction Method Statement & Environmental Management Plan Rev C.

7. A) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions, and;
- The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under part (A) of this condition.
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under part (A) of this condition and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
8. The development hereby approved shall only be carried out in accordance with the approved Construction Method Statement & Environmental Management Plan Rev B. Details and measures approved within drawing no. SH-OHLA-0008 REV C shall be installed prior to any works beyond initial site setup, maintained in good operational condition and used for wheel cleaning whilst ever construction or delivery vehicles use the site.
9. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the occupation of any dwelling hereby approved. The aim of the LBEMP is to

provide details for the creation, enhancement and management of habitats and species onsite post-development, and at the agreed off-site location in accordance with the proposals set out in the submitted Biodiversity Metric (Dated 23.05.24) and to achieve no less than +10% net gain. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- k) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- l) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

10. The development hereby approved shall be implemented in accordance the remediation objectives and verification measures detailed in the Eastwood Engineers Geo Environmental Report. A final Validation Report shall be submitted and agreed in respect to the works carried out under the Geo Environmental Report to ensure all gardens where capping is required is undertaken as per the recommendations.
11. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010.

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local

Planning Authority. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars.

This condition shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

12. The development hereby approved shall not be occupied until the highway improvements/offsite works and site access works have been implemented and completed in accordance with drawing ref: LTP/5154/P1/01.01 Rev. O. These works will comprise:
 - The construction of a bell mouth junction to Old Hackney Lane, with new uncontrolled pedestrian crossing points/tactile paving (all to DCC standard highway details).
 - Speed limit (yellow backing) signage, high friction surface treatment (in buff) with speed limit roundel road markings (all to DCC standard highway details) locations to be agreed.
 - Reinstatement of 'Give Way' markings at the junction of Old Hackney Lane/Bakewell Road.
13. The development hereby approved shall not be occupied until the means of access for vehicles, pedestrians and cyclists have been constructed and completed as shown on drawing ref: SH-OHLA-0012 Rev. A.
14. The development hereby approved shall not be occupied until visibility splays are provided in accordance with drawing ref: SH-OHLA-0012 Rev. A. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.
15. No works above ground level shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.
16. The development hereby approved shall not be occupied until details of a residential welcome pack promoting sustainable forms of access to the development has been submitted to and had approval in writing from the local planning authority. Thereafter, the pack shall be provided to each resident at the point of the first occupation of any dwelling.
17. All planting, seeding, or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with Drawing Numbers P22-2110_EN_0009_E_0001, P22-2110_EN_0009_E_0002, P22-2110_EN_0009_E_0003 and P22-2110_EN_0009_E_0004. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. The landscaping shall be maintained thereafter in accordance with the Landscape Management Plan P22-2110 Rev 5.

18. Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the local planning authority before any work to any external surface is carried out. The materials shall be broadly in accordance with those shown on the approved plans and described within the design and access statement. The development shall thereafter be constructed in accordance with the approved details.
19. No development shall take place above slab level until a detailed scheme of measures to mitigate the effects of and adapt to climate change at the site along with a timetable for implementation has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the approved measures shall be maintained throughout the lifetime of the development hereby approved.
20. Prior to erection, details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards, and other means of enclosure shall be submitted to and approved in writing by the local planning authority. The means of enclosure shall be carried out in accordance with the approved layout plan prior to the plot to which it relates being occupied or alternatively in accordance with a timescale to be agreed as part of the agreement of details.

END OF SCHEDULE



Costs Decision

Site visit made on 28 July 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th October 2025

Costs application in relation to Appeal Ref: APP/P1045/W/25/3361297

Land at Rear of Farm Cottage, Old Hackney Lane, Matlock, Derbyshire DE4 2QJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Stancliffe Homes Limited for a full award of costs against Derbyshire Dales District Council.
- The appeal was against the refusal of planning permission for erection of 37no. residential dwellings

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. It is claimed that the Council acted unreasonably in refusing permission contrary to officer recommendation, acted inconsistently with other recent approvals and appeal decisions, and without regard for planning policy. It is stated that the actions of the Council have caused unreasonable delay and resulted in unnecessary costs in preparing evidence for the appeal.
4. Members of planning committees are not bound to accept the recommendation of their officers, and the ability of such a committee to reach its own view is an established part of the planning system. Such behaviour becomes unreasonable where the reasons for the decision of the committee are unclear or unsubstantiated.
5. In this instance, the concerns were clearly stated and adequately reasoned within the Council's evidence; even though I ultimately allowed the appeal, like the Council, I found that the proposal would result in a degree of harm to the character and appearance of the area and local landscape. This indicates that the Council's position in this regard was not unreasonable.
6. The Council would have been aware that an appeal against the refusal of planning permission for residential development on an adjacent site had recently been allowed. However, there are critical differences between the two sites, including the fact that the site in relation to the appeal before me was not wholly located on allocated land and represented an extension of the settlement beyond the existing envelope and established housing allocations. This is a crucial difference, and as a result this earlier decision did not fetter the Council in terms of reaching a decision

in relation to the proposal before me, as the circumstances were not wholly identical.

7. In terms of the application of Policy S4 of the Derbyshire Dales Local Plan, while this policy does make provision for residential development on sites at the edge of settlements where the Council cannot demonstrate a five-year supply of suitable housing sites, such support is caveated and subject to consideration against other policies in the plan, including those which relate to landscape protection. In finding landscape harm, the Council did not, therefore, act unreasonably in concluding that there was also conflict with this policy.
8. Having established that the Council's behaviour was not unreasonable, it also follows that the delay incurred is also not unreasonable, nor was the expense incurred through the preparation of appeal evidence avoidable. It is also notable that the Council appears to have co-operated during the appeal process in agreeing common ground, narrowing areas of disagreement and progressing the planning obligation within the required timetable.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Harding

INSPECTOR