



---

## Appeal Decision

Site visit made on 9 July 2024

**by Chris Couper BA (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 August 2024**

---

**Appeal Ref: APP/P1045/D/24/3345010**

**Hole In The Wall, Yeldersley Lane, Bradley, Derbyshire DE6 1LQ**

- 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 and Mrs Stone against the decision of Derbyshire Dales District Council.
  - The application Ref is 23/01298/FUL.
  - The development proposed is the demolition of the existing garage and the erection of a dependent relative unit.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing garage and the erection of a dependent relative unit at Hole In The Wall, Yeldersley Lane, Bradley, Derbyshire DE6 1LQ, in accordance with the terms of the application, Ref 23/01298/FUL, and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4615-001, 4615-002, 4615-003, 4615-005 Rev A (Site Block Plan as proposed), and 4615-005 Rev B (Proposed Plans & Elevations).
  - 3) Samples of all facing and roofing materials shall be submitted to, and approved in writing by, the Local Planning Authority before works commence on the facing walls or roof of the building. The development shall thereafter be constructed in accordance with the approved details.
  - 4) All window and door frames shall be recessed in their openings behind the faces of the external walls of the building.
  - 5) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Hole In The Wall.

### Application for Costs

2. An application for costs was made by Mr and Mrs Stone against Derbyshire Dales District Council. This is the subject of a separate decision.

## Main Issues

3. The main issues are the effect of the proposal on:
  - The setting of the listed building known as Hole In The Wall; and
  - the character and appearance of the area.

## Reasons

### *The effect on the setting of a listed building*

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be paid to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses.
5. The National Planning Policy Framework 2023 ('Framework') sets out that harm to the significance of a designated heritage asset, such as a listed building, shall require clear and convincing justification. Policy PD2 of the Derbyshire Dales Local Plan 2017 ('DDL P') seeks to conserve heritage assets in a manner appropriate to their significance, and requires that where their setting would be affected it shall be demonstrated how the proposal has taken account of matters such as design, form, scale, mass, materials, siting and views.
6. Hole In The Wall is a Grade II listed building. The official list entry describes it as a pair of two storey cottages, linked by an arch through which the road passes. The building is dated 1750-51, and is constructed of red brick with stone dressings under a plain tile, steeply pitched roof, with brick and stonework detailing and mullion windows.
7. The proposed dependent relative unit would be located beyond a set of stables, towards the eastern corner of the host property's large garden, some distance from the listed building. It would replace an existing garage/store which is constructed with fairly uniform, relatively modern bricks, with a flat corrugated roof, and a metal up and over door. Whilst its height and mass are limited, it is a very utilitarian structure, which does not reflect the form, materials or design detailing of the listed building.
8. I have no cogent reason to doubt the accuracy of the submitted drawings, which are scaled. These show that the proposed unit would be located in broadly the same position as the garage it would replace, but that it would have a slightly larger footprint. Compared to the garage, it would also have a steeply pitched roof which, whilst giving it a greater mass, would much better reflect the form of the listed building, whose gable width it would also broadly respect.
9. The proposed timber cladding and slate roof would contrast with the facing materials in the listed building, thus ensuring that it would 'read' as an addition. That cladding would however reflect the materials on the nearby stables, and the overall effect would be a fairly simple building, which would have a more traditional and barn-like appearance compared to the garage.
10. Consequently, having paid special regard to the statutory duty, the proposal would preserve the setting of the listed building, and its significance would not be harmed. The scheme would not therefore conflict with DDL P Policy PD2, or with the stance at Section 16 of the Framework.

*Character and appearance of the area*

11. The site lies at the edge of the small settlement of Moorend, with fields to the north and east, and houses and gardens to the south. As evidenced by the site location plan, and borne out on my visit, the grain of development here is fairly diverse, with some buildings, such as the row of houses to the south-east, set well back from the roads, and other houses and buildings located much closer to them. There are also examples of garages and outbuildings within the properties' gardens.
12. In that context, and given that it would replace an existing garage, the siting of the proposed building would not appear out-of-place. Moreover, it would be well screened to the east and south by hedgerows and trees, and when approaching along Yeldersley Lane from the A517 to the north it would be partially hidden behind landscaping and the existing stables.
13. As a result, it would not generally be a prominent feature and, where there would be clearer views of it, such as from sections of the public footpath which passes through the site, given my findings regarding its form, design, style and materials, it would integrate well into its surroundings.
14. Consequently, on this issue, the scheme would not harm the character and appearance of the area, and it would not therefore conflict with DDLP Policies PD1 and S4. Amongst other things, and in general terms, these require new development to be well-designed and to respect local character, having regard to matters such as scale, height, layout, appearance, materials and the relationship with its surroundings.
15. Turning to DDLP Policy HC12, this supports proposals for the creation of self contained annexes to accommodate elderly or disabled dependents. However, it continues that these shall take the form of an annexe which is linked to the main house or, if that is not possible, the conversion of an existing, closely related outbuilding. Neither of those scenarios applies here.
16. That said, in its letters dated 17 April 2023 and 16 August 2023, the Council indicated that the replacement of the existing structure could be preferable to its conversion, and that it would be acceptable in principle. In their statement of case, the appellants have also cited examples elsewhere where the Council has allowed detached dependent relative accommodation.
17. For my part, I have found that the proposed unit would have only a slightly larger footprint than the building it would replace. It would share its parking and garden areas with the main dwelling, in accordance with DDLP Policy HC12; and its use as ancillary accommodation could be secured by means of a planning condition. Thus, whilst the scheme would not fully accord with that policy, for the reasons above it would not harm the character and appearance of the area.

*Other matters*

18. The proposed unit would be set away from the boundary with The Ashes, with its blank gable facing that boundary. Its principal elevation would face down the host property's own garden, with its patio doors, which would serve the main habitable space, located even further from that boundary, and only narrow bedroom windows closer to it. As a result of that layout, and trees and other vegetation around the boundary, there would not be a significant degree

of mutual overlooking between the proposed unit and The Ashes or The Hollies, nor would the scheme cause those occupiers significant light pollution.

19. Whilst the scheme includes a first floor, this would be served by just two small rooflights whose rear-facing aspect would not cause overlooking of other properties. Moreover, given the restricted head height in much of that first floor space, I have no persuasive reason to doubt that it would be principally used for storage as depicted on the plans. As a result of the building's siting and limited scale, and vegetation around the boundary, it would not have an overbearing impact on The Ashes, including its outdoor space; and, although it would partially interrupt views of the land beyond, it would not harmfully impact those occupiers' outlook.
20. The scheme would be likely to introduce additional comings and goings into this part of the host's garden. However, having regard to the building's scale, siting and layout, and its occupation as ancillary accommodation, typical domestic use of it would not result in significant levels of noise or general disturbance. For all these reasons, the scheme would not impact living conditions at The Ashes or The Hollies to a harmful degree.
21. Finally, whilst I have little information on this matter, I have no cogent evidence that the foul and surface water regime could not accommodate the limited additional load from this small scale development.

### **Conditions and Conclusion**

22. Summing up, the scheme would not harm the setting of the statutorily listed Hole In The Wall, or the character and appearance of the area; and typical ancillary use of the building would not harmfully impact nearby occupiers' living conditions. Whilst it would not fully accord with DDLP Policy HC12, it would not conflict with the development plan when considered as a whole.
23. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests. The Council has not explained why the time limit for commencement is not required, and I have therefore applied that standard condition. In the interests of certainty, a condition is also necessary requiring that the development be carried out in accordance with the approved plans.
24. Having regard to the scheme's location within the setting of a listed building, and in the interests of good design, conditions are necessary requiring the submission and approval of facing materials, and requiring that window and door frames be recessed. Finally, in the interests of certainty, protecting adjacent occupiers' living conditions and the spatial planning strategy for the area, a condition is necessary, broadly along the lines suggested by the Council, requiring that the building be used only for purposes ancillary to the main house. Any alternative use would need to be assessed on its planning merits.
25. For these reasons, and having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

*Chris Couper*

INSPECTOR