

**Item**            **B1**

**Reg. No.**        **9 2001 1244**

**Applicant:**  
Mr D Hylton  
27, High Street  
Ticknall  
Derby  
DE731JH

**Agent:**  
The Chris Thorp Planning Practice  
20A Hazelwood Road  
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DE564DQ

**Proposal:**        **The use as a dwelling of the public house known as Chequers  
Inn 27 High Street Ticknall Derby**

**Ward:**            **Ticknall**

**Valid Date:**     **21/12/2001**

#### **Site Description**

The Chequers Inn Public House is a three storey building sited at the back edge of the pavement on the east side of High Street (B5006) some 25m from the junction with Narrow Lane and 50m from the Burton Road (A514) T junction. The property is a grade II listed building within the Ticknall Conservation Area.

#### **Proposal**

It is proposed to convert the public house into a single dwelling.

#### **Applicants' supporting information**

The applicant's agent provides the following supporting statement:

"The Chequers Inn occupies a Grade 2 listed building that is situated on the east side of High Street. It comprises a mixture of stonework and brickwork in its walls, with a roof covered in Staffordshire blue clay tiles. For the purposes of the South Derbyshire Local Plan it is located within the defined confines of the village framework, and within the Ticknall Conservation Area."

"The property includes living accommodation above and to the rear of the public bar area together with some outbuildings that are used for general storage facilities. There is a pub car park, and a lawn area beyond that which is outside the village envelope. The property is currently occupied by the applicant and his partner, who have worked the business for some 14 years and built up a good reputation for themselves locally."

"The applicants between them have considerable experience in the public house business, and work very long hours to achieve a modest living, but changes in social behaviour and an over-

provision of outlets in a small village have brought the non-viability of the business to a head. The decline of the village pub has recently received renewed media attention, and whilst the loss of another one will be very regrettable and will undoubtedly be mourned by many it is seemingly unavoidable in this case.”

#### “The Current Business

“The accompanying statements that provide profiles on income and customers have been prepared by Mr Hylton, and demonstrate the difficulties that he has faced in trying to make a living. It will be seen that Mr Hylton and his partner work a total of 150 hours a week to produce a net annual income of less than £20K, or £2.50 an hour. Between the two of them, they take an average of about 10 days per year away from the business. There are very few people who are prepared to work under such conditions for so little reward. It is only on these terms that the public house has been able to survive as a business, and there is little or no opportunity to better the income.”

“A survey has revealed that only 28 residents of Ticknall population use the pub on a weekly basis. In addition, 33 others use it on a monthly basis, and a further 28 once a year. The remainder, and bulk, of the trade is made up by visitors from outside the area, but this element has been steadily declining in recent years, particularly in the light of the drink/driving laws, and possibly through greater levels of home drinking. The applicant has built up a loyal customer base over the years that he has been running the business, but it had reached its plateau some years ago, and there seem to be no prospects for bettering it. The premises have been well-managed and kept in good repair over the years, have an attractive and homely interior and there is always a warm welcome to be had. Although elements of the public at large will mourn the loss of a truly traditional public house, it is apparent that they are insufficient in number to support the Chequers Inn at the levels required to make it viable.”

#### “Trade Potential at The Chequers Inn

“The premises are located in a small village that has an adult population of just 550, as indicated on the electoral register. Apart from Melbourne (which is adequately provided with pubs), Stanton by Bridge and Hartshorne, there are no other settlements of any significance within 5 miles of the site. Within those settlements, the Council's Local Plan policies only allow very limited infill new housing developments. The prospects for increasing clientele from the pub's existing catchment area are therefore effectively non-existent.”

“There is very little to attract visitors to the area, apart from Calke Abbey, which has now been open to the public for several years, during which time trade has continued to decline. The surrounding area is not hill-walking country, being mostly farmland, and the only walkers are more likely to be local residents. Calke Abbey is actively promoted as a tourist attraction, and the Chequers Inn has appeared in the national *Good Beer Guide* for the last 10 years and is in the *Derbyshire Good Beer Guide*. It has also been advertised in the *Village Voice*, but despite this publicity, turnover and sales have decreased.”

“Within the village there are two other pubs, one of which is primarily a restaurant (Staff of Life), and the other (the Wheel), which is primarily a pub that also serves food. In addition, there is a licensed social club that can offer cheaper drinks. That is a considerably high number of similar establishments for such a small village, and has made it very hard for the Chequers Inn to compete in a dwindling market. In a valuation report for the Wheel Inn (extract enclosed) it was concluded that

*"...it is questionable whether a village of this size, even with a larger surrounding catchment area, can be realistically expected to support all three businesses in the long term".*

The valuer's recommendation was that the Wheel Inn should be converted into "pure residential use". That situation is shortly to be reversed, except that in that case it is the inherently less viable pub that is the subject of closure. My carefully considered professional assessment is that, once Mr Hylton has taken over the Wheel Inn, the Chequers Inn will remain closed irrespective of the grant of planning permission for residential use."

"The main way that most rural pubs have been able to survive is by providing cooked meals, but that possibility is not open at the Chequers Inn. The domestic kitchens are wholly inadequate to provide catering facilities for the public, and to provide the necessary equipment would cost in the order of £20K. It is likely that an extension to the building would be needed, on top of which is the need to fund the salary of a chef (£25K approx.)."

"The existing building is currently being used to full capacity, with no unused or under-used floor space available to provide for additional facilities. Even if meals could be prepared, there is no capacity within the limited bar area to make for sufficient eating space to exact a return on any investment in kitchen equipment, as well as catering for the regular drinkers. Furthermore, I consider that the possibilities for obtaining planning permission and listed building consent for a sufficiently large restaurant must be remote, not forgetting that the premises are also in a conservation area. The premises have a good car park that has plenty of room for expansion, but it is never at capacity, which reflects the decrease in car-borne trade."

"Potentially, there is an opportunity for customers to come by public transport, the village being well-served by buses (see below). The services are frequent and reliable, but Mr Hylton has noted that not a single customer ever uses the service. Taxi firms are available in both Melbourne and Woodville, but they are not readily available at closing time when they are most needed, and usually very difficult to obtain at peak times of the year such as Christmas and the New Year. It is concluded that the actual potential for more customers to arrive by public transport is non-existent."

"It is considered that the potential for diversifying the business is effectively also non-existent. The premises are located in a quiet location off Main Street, where the building is unnoticeable, and where passing trade is very limited. There is already a village shop and post office in the busy part of the village, and a social club, and the Wheel Inn is a more appropriate pub to host darts and dominos teams. The possibilities for more obvious signage are very limited in view of the listed building status, and conservation area location."

"In the circumstances described above, it will be seen that the prospects for achieving any upturn in business are very bleak let alone of the magnitude required to keep the pub open for trade."

#### "Retention of the Wheel Inn

"Although a similar planning application to permit residential use at the Wheel Inn in Main Street was refused, that business is still teetering on the edge of closure. However, Mr Hylton is in the process of purchasing that property in order to keep it open as a public house in substitution for the Chequers Inn, thereby enabling one of the two pubs to be run as a going concern with a bright future. That property is well-located in the busy part of the village, and has the potential for offering a wider range of facilities, without the need for any major investment.

Mr Hylton would bring his existing clientele with him, and bring back the Wheel's customers, and thus inject life back into the heart of Ticknall."

"The applicant has obtained agreement in principle from the NatWest Bank for a loan to finance the venture (copy enclosed), and has proceeded to contract with a view to completion early in January 2002. A copy of the contract will be submitted as soon as possible, and notification of completion will be provided once it has taken place."

#### "Planning Policies

##### Meeting National Policy Objectives

"There is a general government objective as expressed in PPG1 and PPG7 to achieve a sustainable pattern of development in the countryside, and to ensure that people who live in those areas have reasonable access to a range of services. The desire to develop a vibrant countryside with thriving rural communities and a diverse economy as expressed in the 2000 Rural White Paper "Our Countryside: The Future", is recognised. However, the provision of viable rural businesses depends upon having ready accessibility to populations that will support them, but there is a conflict here with other Government policies that seek to prevent new housing in rural locations."

"Although the retention of the village pub will normally be important to the achievement of those objectives, that cannot be at the expense of the business itself, which must be profitable and sustainable in financial terms. In this case, the demise of the Wheel Inn, and the difficulties experienced by the Chequers Inn, strongly suggest that the village and the surrounding locality has too small a population to support both of them in addition to The Staff of Life PH (albeit primarily a restaurant). It is submitted that the retention of a strong pub, a good restaurant and a social club in the village is more than adequate to ensure that the local community has "reasonable" access to a wide range of services. It is further submitted that it is better to have one viable pub than two, rather than two mediocre pubs that can barely survive."

"Unlike the Wheel Inn, the Chequers Inn is not situated in the heart of the village on a busy main road where there is potentially passing trade from visitors to local attractions such as Calke Abbey. Nor is it at the convergence of public footpaths that bring walkers to a central point. This part of the village is not characterised by the vibrancy and vitality that exists in the centre of the village with its post office/shop and other two public houses and proximity of road junctions. The Chequers, in contrast, is out on a limb away from the general bustle of the village in a quiet residential part where the pace of life is much slower."

##### "Meeting Development Plan Policies

It is submitted that the proposed conversion to a residential use is fully in accordance with General Development Strategy Policies 1 and 3 and Housing Policy 5 of the Joint Derby and Derbyshire Structure Plan. The conversion will make good use of a building that will otherwise become and stay vacant indefinitely, and no investment whatsoever is required in either infrastructure or building works, and to that extent will be very energy efficient. The proposed use will help to minimise the need for developing greenfield sites in the open countryside, and can do so without any damage to either the natural or built environment."

"Ticknall is connected to Derby and Swadlincote by a high frequency bus service throughout the day from very early to very late, and also, (less frequently but daily) to Nottingham, Burton-on-Trent and Ashby de la Zouch. The proposed development *will* minimise the overall need to

travel by car between homes, jobs and services, some of which are on hand in the village, and is therefore in keeping with the objectives of PPG13:Transport (revised). The site is fully within the defined limits of the village, and is within a predominantly residential part of it. The change of use is therefore eminently acceptable, both in principal and in detail.”

“The proposal is also fully in keeping with Housing Policies 5 and 7 of the South Derbyshire Local Plan. The property was originally a private house, so reversion to that use would be wholly appropriate and in keeping with the character of the building. The building fits in very comfortably with its surroundings, no alterations, rebuilding or extensions are required, and the nature of the surrounding development is primarily residential in nature. If the signage were to be removed today, the building would immediately blend unnoticed into the street scene as though it was a private dwelling house.”

“Conservation policies in both the Joint Structure Plan (Environment Policies 5 and 10) and the Local Plan (Environment Policies 10 and 12) apply, as well as the guidance in PPG15: Planning and the Historic Environment. Unlike the Wheel Inn, the Chequers Inn is not located in a vibrant part of the village, and its low-key atmosphere fits in readily with its surroundings. It is not a visually prominent building -it is very easy to miss it - and is much more out on a limb than either of the other two pubs in the village. As a public house, it is relatively unimportant in terms of its contribution to the visual and social fabric of the village. The proposed development would leave both the character and appearance of the conservation area entirely unharmed, and thereby satisfies the test as set out in PPG15 to secure the objective of preservation (para 4.20 refers). It is concluded that there is no conflict with national guidance or the development plans in this respect.”

#### “Loss of a Community Facility

It seems inevitable, but unavoidable, that either the Wheel Inn, or the Chequers Inn, will be lost to the village. Although this application is made at a time when the Wheel remains vacant, that will shortly be changed in the New Year once Mr Hylton has taken legal possession. It is apparent that the village cannot sustain three pubs and a social club, and it is submitted that it is better to have two strong and vibrant pubs, each with a different emphasis, rather than three, two of which are in direct competition with one another. Although one of them will go, it is not as though the Chequers is the only one in the village, or the hub of life, which it is not. The Wheel will have been re- opened before the application for the Chequers has been determined, and hence it can be approved in the knowledge that the village will not be left with only one public house. The loss of the Chequers will not, it is submitted, have a crucial effect on the local community.”

The applicant’s accountant has provided the following statement:

“Mr Hylton took over the Chequers in 1987 and succeeded in raising the trade to a reasonable level over the first three years. After the initial growth, the income levelled off and then began to decline about seven years ago. This decline is not peculiar to The Chequers but has been going on at the vast majority of rural public houses, many of which are experiencing financial difficulties or have already closed. The decline is mainly caused by cheaper supermarket drinks, stricter policing of the drink/drive laws and a general change in social habits, amongst other reasons.”

“The Chequers until now has shown a modest profit primarily because Mr Hylton works seven days per week fifty weeks every year. We have been advised that in the fourteen years that our

client has owned the public house, he has taken off only 35 full days. Obviously, this situation cannot continue indefinitely and there is very little chance of finding a purchaser willing to dedicate a similar amount of time to the business.”

“It is our belief that because of the reasons previously stated, the level of business will continue to decline and as the layout of the Chequers renders it almost impossible to diversify and produce another form of income, thus the profits are likely to decrease.”

“Closure of the business may have a beneficial effect on other smaller businesses in the local area, therefore we support the application.”

### **Responses to Consultations**

The Conservation and Design Officer makes the following comments.

“It seems to me that the conservation argument for keeping the Chequers is just about the same as the one for keeping the Wheel. Its use as a public house adds the same vibrancy to this part of the conservation area as the Wheel does to its immediate vicinity. The Chequers has a distinctive facade, which singles it out amongst its neighbours making it a natural candidate for a different use to the neighbouring residential buildings. It is not known whether it was built as a public house but the landlords can be traced back to 1753 which gives it a pretty long-standing pedigree as an ale house. The planning argument is slightly different because it isn't so close to the post office or parish hall. However as a pub it is one of those little gems an increasingly rare survival made up of individual intimate rooms that visitors will seek out. Being so close to Calke, popular walking country and in the visitor catchment of many other local attractions such as Staunton Harold Reservoir and the Ferrers Centre its retention benefits the Council's Tourism Strategy.”

Ticknall Parish Council objects to the proposal on the following grounds:

1. The building has been a public house since the 16<sup>th</sup> Century, is a grade II listed building and one of the oldest in the village. The Parish Council would like to see it remain a public house, and to change its use into a dwelling would deny villagers and the public the chance to sample the heritage of the building, which should be preserved for future generations. We should be the caretakers of our heritage.  
The village attracts tourists and visitors from Calke Abbey, Staunton Harold and the surrounding area. The need for places to eat and drink are few and to remove the possibility of providing cafeteria or restaurant facilities would be unwise although the pub does not sell food at the present time, the need for places to eat is growing not lessening.
2. It is a public amenity and part of village life
3. It should be sold as a going concern (we believe that the Wheel Inn is not now included in the plan to purchase and make the two businesses into one). There is a feeling amongst the public that reducing the amount of public houses will have a detrimental effect on business and not enhance the others (2 pubs) chances of getting more business, because the more life a village has the more it flourishes.
4. The Derby and Derbyshire Joint Structure Plan and Environment Policy 12 of the adopted South Derbyshire Local Plan (May 1998) both state that development which would have an adverse effect on the character and appearance of the conservation area will not be permitted.

5. Members of the public who attended the Parish Council meeting expressed concern that they adhered to the planning regulations of the Conservation Area and that these regulations were being slowly chipped away by some, making them wonder where it will all end.

Ticknall Preservation and Historical Society objects on preservation and historical grounds, the premises continually being used as a pub since at least 1753 and as such is part of the village structure. It adds that there cannot be a licensed premises in South Derbyshire which has such a long documented history of continuous use without extensive rebuilding.

The main points of a letter from the Derby Branch of the Campaign for Real Ale are as follows:

- The tenant at The Wheel has reported that trade has picked up and is now stocking 2 or 3 brands of real ale where earlier he was only stocking one. As cask beer on sale in a pub has a shelf life of only 3 days this is a sure indication that there is a demand for it.
- Suggestion that on closure the landlord of The Chequers would buy The Wheel seems to have come to nothing and is not relevant to the application.
- The Chequers does not have a trade kitchen and therefore is unable to satisfy this particular market.
- The potential of the tourist trade in from Calke Abbey has never been exploited by the Ticknall pubs.
- With respect to the village hall and cricket pavilion no attempt is made there to satisfy demand for draught or traditional cask beer which is a distinguishing feature of the traditional public house trade.
- The Chequers is well known to the Derby Branch of CAMRA and has an almost permanent entry in CAMRA's national annual publication *The Good Beer Guide*.
- CAMRA is aware that for a completely free house such as The Chequers, there is a huge variety of attractive new beers which the free trade is able to exploit and tied trade is not.
- The most distinctive feature of The Chequers is that it does not serve food. The provision of food is an essential boost to income that supplements the vital function of the community local.
- There is a substantial range of genuine traditional outbuildings which is currently under exploited
- The Chequers should not close because the present owners do not feel able to meet all the present day needs of the community.
- It should not close until it can be shown without any doubt that it cannot be operated viably.
- The potential of this very attractive site has not been fully exploited.
- It does not accept that taking more time away from the pub would necessarily result in a loss in profit of the order suggested in the application.
- The number of people regularly using the pub given as 28 is modest but is a substantial part of the adult population and with a proportion of occasional users added to this means that the loss of the pub would impact the village quite heavily.
- Some people would be unable or unwilling to walk the extra distance to The Wheel.
- The Staff Of Life is very much a restaurant rather than a public house. The front door is out of use and there is no area provided in the house for the exclusive use of drinkers. This is a pre-requisite for a pub to be considered a valuable community asset.
- Whilst the Staff of Life does not detract from the ambience of the village, it is the amenity of the pub within its own community that is of vital importance.

- There is a particularly good public transport route between Derby, Melbourne and Swadlincote which passes through Ticknall and CAMRA organised its first Public Transport Social outing in 2001 which was a bus trip to Ticknall. This lifeline for country pubs is grossly under exploited. The non-availability and under use of public transport is a genuine factor in the declining viability of some rural pubs.

### Responses to Publicity

The Ticknall Ward Councillor objects to the proposal on two grounds:

- “The Chequers is an historic building. It is reputed to be one of the oldest buildings in Ticknall and was built around 1550 and it has always been an inn.”
- “We as local authority are trying to promote tourism in South Derbyshire. But if this amenity is lost, public might refrain from visiting this area as this area will have very limited facilities for the visitors.”  
“Therefore I strongly feel that the loss of this facility which has the potential to assist local tourism should be avoided.”

Eighty-eight letters of objection and three letters of support have been received. The main points from the letters of objection are as follows:

- The Chequers serves the top end of Ticknall, which is a linear village, and The Wheel has its own customer base at the other end of the village. The Staff of Life is essentially a restaurant and is rarely used by local people.
- The use of the building as a pub contributes to the character of the conservation area and contributes to the street scene and vibrancy of the area for residents and visitors.
- Its loss would not encourage the physical and economic revitalisation of the area.
- A sustainable community comes from a range of complementing services and businesses. The loss of the pub would reduce viability of Ticknall as a sustainable village.
- The Chequers contributes to the tourist appeal of the area assisted by the conservation area, numerous footpaths linking to Calke Park and Abbey, Ticknall lime yards, Staunton Harold reservoir and the National Forest.
- The building is reputed to have been a public house since 1550 and was recorded in the first Licensing Act of 1753.
- The interior layout represents a traditional village pub with a unique atmosphere and ambience.
- It was not originally a private house as stated by the landlord.
- The figures of income, hours works etc are not backed by adequate records or audit trail and only relate to the previous year.
- The recent decrease in trade has principally occurred due to factors such as foot and mouth, the future intentions of the owner and failure to diversify services.
- The public house has not been offered for sale at a realistic price.
- The pub has opportunity to assist a vibrant tourist trade whilst continuing to serve the local community.
- There have been several recent planning appeals resisting pub closure.
- The cricket club pavilion does not compete with the pub as these premises are only available when there is a cricket match and is not for general public access.
- The Wheel has its own core of customers and is not “teetering on the edge of closure” or “vacant at the time of the application” as stated by the applicant.



- Is a meeting place for many village and community organisations and a focal point to village life.
- Is part of the Ticknall heritage and contributes to the unique character of the village.
- The number of hours worked is greatly overstated as usually one person is serving rarely both.
- There has been a marked reduction in effort by the landlord to keep the pub going.
- The pub is an important venue for social contact and interaction.
- It has been viable for the last thirteen years and the landlord has been satisfied with the return over that period while paying off his mortgage.
- The village is increasingly important as a tourist attraction and as a desirable place to live.
- The loss of the pub would be one less selling point in the promotion of South Derbyshire.
- The annual Easter egg throwing competition would be lost.
- The Chequers remains the real hub of the village community.
- The landlord does not encourage walkers or hikers, of which there are many, by not selling simple food, tea and coffee or providing for families.

The main points from the letters of support are as follows:

- There are two other pubs to choose from in the village.
- The landlord and his partner have a right to self determination.
- Diversifying would lose its current appeal.
- The landlord could close the pub without recourse to the planning authority.
- The loudest protesters seem to be those who use the pub least.
- The applicant should not be forced to work long hours with such little reward.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1: Sustainable Development;  
 Housing Policy 5: Housing in Villages; Town Centre and Shopping Policy 5: Local Shopping;  
 Environment Policy 5-Conservation Areas; Environment Policy 10-Historic Buildings.  
 Local Plan: Housing Policy 5: Village Development; Housing Policy 7: Residential Conversion;  
 Environment Policy 12: Conservation Areas; Environment Policy 13: Listed or Other Buildings  
 of Architectural or Historic Importance.

Also material to this application are PPG1 - General Policy and Principles, which contains guidance on the need to achieve sustainable patterns of development whilst sustaining economic activity in the countryside and PPG7- The Countryside - Environmental Quality and Economic and Social Development, which stresses the need to retain existing services for people in rural areas. The Government's White Paper also stresses the important community role that local services provide in small settlements.

### **Planning Considerations**

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

- Impact on the character of the Conservation Area.
- Impact on the village community and vitality of the settlement.
- The need to maintain a balance of uses in the village in the interests of sustainability.

- The viability of the public house.
- The impact the proposal would have on the character of the listed building.

## **Planning Assessment**

There are no specific policies in the Local Plan that relate to the loss or retention of public houses. In the absence of such policies the proposal should be considered on its merits in the light of all material planning considerations and assessed against the objectives of sustainable development.

### **Impact on the character of the Ticknall Conservation Area**

Residential development extends in a linear manner along High Street and is broken only by The Chequers and the Staff Of Life as it approaches the A514 and the core of the village. The mix of uses and the activity it generates at this point contributes to the character and distinctiveness of the street scene. The loss of The Chequers as a public house would diminish this established character, which the Authority has a duty to preserve.

### **Impact on the village community and vitality of the settlement**

The amount of local objection to the proposals reveals the high social value that the public house brings to the village community. Whilst The Wheel and The Staff Of Life on the face of it provide alternative venues, on closer examination neither of them offer the level of amenity provided by The Chequers and enjoyed by the local community and visitors to the village. Ticknall is on the public transport route between major conurbations and combined with the popular tourist attractions near by and the local network of public footpaths, the vitality and attractiveness of the village should be safeguarded by retaining public facilities such as the Chequers.

#### *The need to maintain a balance of uses in the village in the interests of sustainability*

Ticknall is a long linear village and the relatively large number of residents living at The Chequers end of the village would be disadvantaged by its closure. In addition, based on the comments of local residents there is little certainty that visitors loyal to The Chequers would be willing to divert their custom to The Wheel or The Staff of Life and resort to drinking at home or travelling further afield by car. The proposal would also result in the loss of a use that provides employment in a rural area. Overall, the local environment, economy and social life of the village would be better served by resisting the proposal.

#### *The viability of the public house*

Many people during the consideration of this application have expressed a strong desire to keep the public house, which translates that there is or could be a healthy demand for its goods and services. In addition it is not demonstrated that all reasonable avenues have been explored to improve the viability of the business in this attractive location. CAMRA's point that the Chequers should not close merely because the present owners do not feel able to meet all the present day needs of the community has merit. There is little firm evidence that the business cannot be operated viably in the face of the public values attributed to this local asset.

## Recommendation

**REFUSE** permission for the following reasons:

1. Residential development extends in a linear manner along High Street and is broken only by The Chequers and the Staff Of Life as it approaches the A514 and the core of the village. The mix of uses and the activity it generates at this point contributes to the character of the streetscene. The loss of The Chequers as a public house would diminish the established character of the Conservation Area, which the Authority has a duty to preserve. In this regard the development would fail to preserve or enhance the character or appearance of the Ticknall Conservation Area and would be contrary to Environment Policy 9 of the Derby and Derbyshire Joint Structure Plan and Housing Policy 7 and Environment Policy 12 of the South Derbyshire Local Plan.
2. The proposal would have a significant impact on the local community and would diminish the vitality and attractiveness of the village both for residents and visitors to the area. It would also result in the loss of a use which provides employment in a rural area and would diminish service provision which contributes to the sustainability of the settlement. Retention of the present use accords with the Government's objective of achieving sustainable patterns of development whilst sustaining economic activity in the countryside and retaining existing services for people in rural areas as outlined in PPG1 - General Policy and Principles, PPG7 - The Countryside - Environmental Quality and Economic and Social Development and the White Paper, "Our Countryside: The Future"2000.
3. It has not been demonstrated that the business cannot be operated viably to override the high public value attributed to it by the village community.



12/02/2002

**Item**            **A3**  
**Reg. No.**        **9 2001 0894**

**Applicant:**  
 Easylike Ltd  
 C/O Bates Weston  
 The Mills, Canal Street  
 Derby  
 DE12RJ

**Agent:**  
 Mr. P. Billham  
 Planning & Design  
 Old School Lodge  
 Aston On Trent  
 Derbyshire  
 DE72 2AF

**Proposal:**        **The erection of 7 detached house, 8 semi detached houses and 3 apartments (single three storey block) on the site of Castle Gresley Victory Club Bridge Street Castle Gresley Swadlincote**

**Ward:**            **Linton**

**Valid Date:**     **06/09/2001**

#### **Site Description**

The site is located within the main urban area of Castle Gresley at the end of Bridge Street adjoining the Castle Gresley By-pass. The social club buildings and an extensive car park currently occupy it.

#### **Proposal**

The submitted scheme recently amended to incorporate detailed design and layout changes, shows the proposed units arranged around a new cul-de-sac accessed from the end of Bridge Street. The plans also show an area across the opposite side of Bridge Street, which is proposed as the open space provision for the development.

#### **Planning History**

Apart for various permissions granted for the enhancement of the club's facilities over the years, outline permission was granted for the residential development of the car park area in September 2000.

#### **Responses to Consultations**

In response to the scheme originally submitted the Parish Council objects to the three-storey apartment building because it considers that it would not be in keeping with the village and within ½ mile of the site there are other one-bedroom flats which have been empty for years. Comments relating to the amended scheme are awaited.

The County Highway Authority requested that the original layout be amended for various reasons. Its views relating to the amended layout are awaited.

Severn Trent Water has no objection.

### **Responses to Publicity**

A neighbour requests that a six-foot high fence be erected on the boundary with the site in the interests of privacy.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 3.

Local Plan: Housing Policy 4 and 11.

Supplementary Planning Guidance (SPG) 'Housing Design and Layout'

### **Planning Considerations**

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

- The provisions of the development plan
- Residential amenity and design
- Highway safety.

### **Planning Assessment**

The development plan seeks to encourage the redevelopment of previously developed land in urban areas. The SPG seeks to ensure (inter alia) that new housing development incorporates sufficient space between buildings and habitable room windows.

The site is located within the built up area of Castle Gresley and outline consent for its residential use has been granted and remains extant. Therefore, the principle of residential development on the site is established.

The scheme now under consideration has been amended to meet the requirements of the County Highway Authority and detailed design requirements.

With regard to the latter, the design of the dwellings has been amended to a more traditional style more often associated with the local vernacular and it is acceptable. Notwithstanding the comments of the Parish Council, the three-storey building remains in the scheme. This building adopts the same design elements as the other dwellings on the site but incorporates an extra ½ storey (also utilising the roofspace) which results in a height of building similar to other houses found in the area. As such, the density of development on the site increases thus making more effective use of the site in accord with the development plan. As the site occupies a relatively low position in the landscape, the building that is causing concern would not appear conspicuous.

In terms of space about and between dwellings, the scheme would not introduce any habitable room windows that would fall below the separation distances with existing dwellings as set out in the SPG. It is, therefore, acceptable in this regard.

The Highways Authority is satisfied that the design of the scheme would not adversely impact on highway safety.

### **Recommendation**

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

3. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of flood protecting and pollution control.

4. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area.

5. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. E32/1A, E32/2A and E32/3B.

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

7. 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 occupation of the buildings or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

8. Notwithstanding the submitted details, in the first planting season following the first occupation of the site, the area marked on the opposite side of Bridge Street as "Open Space" shall be set out in accordance with the landscaping scheme as required by condition 6 above. Thereafter the space shall be maintained available for public access and used for no other purpose.

Reason: To satisfy the requirements of the development plan in the provision of open space for the area.

9. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

10. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed by the Local Planning Authority in accordance with its published standards. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: To ensure that adequate parking/garaging provision is available.

11. No dwellings shall be occupied until the proposed estate street has been laid out in accordance with the application drawings (as amended), to conform with the County Council's Roads in Housing design guide, and constructed to at least base course level, drained and lit in accordance with the County Council's Specification for Housing Development Roads.

Reason: In the interests of highway safety.

12. Prior to the first occupation of the dwelling to which it relates, private driveways shall be laid out and constructed and surfaced with a solid bound material at a gradient no steeper than 1 in 15 and shall incorporate measures to prevent the flow of surface water onto the highway.

Reason: In the interests of highway safety.



13. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been agreed with the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.  
Reason: In the interests of highway safety.

14. Before any other operations are commenced, a temporary access shall be formed into the site for construction purposes, and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Informatives:

- (i) To note and act upon as necessary the comments of the Coal Authority (see attached letter).
- (ii) Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.
- (iii) The public open space as shown on the submitted details and as required by condition 8 is maintainable at the landowners expense unless or until the Council agrees to adopt the space which would generally incorporate a commuted sum for its 10 year maintenance.
- (iv) To note and act upon as necessary the comments of Severn Trent Water (see attached letter).

12/02/2002

**Item** A7**Reg. No.** 9 2001 1143**Applicant:**  
Mr Mrs Satchwell  
18, Clamp Drive  
Swadlincote  
Derbyshire  
DE119BP**Agent:**  
Mr Mrs Satchwell  
18, Clamp Drive  
Swadlincote  
Derbyshire  
DE119BP**Proposal:** The retention of a 2.7 metre high retaining wall at 18 Clamp Drive Swadlincote**Ward:** Swadlincote**Valid Date:** 26/11/2001**Site Description**

The site comprises the applicant's dwelling, which is a semi-detached house built in the late 1960s, along with its associated curtilage. The applicants' garden, in common with most of the rear gardens on this side of Clamp Drive, rises steeply away from the dwellings up to a higher level at the rear of the garden.

**Proposal**

The applicant seeks retrospective consent to retain a rear retaining wall some 2.7 metres high constructed in concrete block surmounted by a low hit-and-miss fence. The south side of the retained area is protected by a similar wall, which gradually reduces in height to ground level at the rear of the house. The retained area appears to be in use currently as off-street parking space.

Apart from the level retained area, the surrounding land is approximately consistent in its slope to the rear.

**Applicants' supporting information**

The applicants state that the wall is not enclosing the area but allowing the area to be opened up to make room for a carport. The garden level has been lowered making next-door's steps visible from the side.

**Responses to Publicity**

Two neighbours object to the application for the following reasons:

- a. The work has been completed without planning permission and without consideration of the neighbours.

- b. The foundations of the wall have not been checked by any official body. The stability of a shed to the rear recently built may be in jeopardy if the wall fails to support it. The walls are not of a suitable strength to retain the land.
- c. The design and appearance is out of keeping with the area, is an eyesore and too big for the planned carport. If a roof were added it would overshadow neighbouring property.
- d. The walls cause rainwater to collect at the rear of neighbouring houses and soak into the ground which could cause property to subside. Other surface water is running into a manhole via a hole in the wall which is not fitted with a trap.
- e. A carport is not necessary at the rear of the house given that plenty of room for parking exists on the site already.
- f. The retained area has also been used for a bonfire party which is not in accord with the submitted plans and could become a yearly event (video evidence is available).
- g. Steps on adjoining land were undermined during the excavation of the space and have since subsided.
- h. The applicant carried out the work himself. He may not be a qualified builder which is reflected in the overall quality of the construction. Other walls he has built in the past now lean.
- i. Granting planning permission could prejudice neighbours building on their own land.

Both neighbours are also concerned about the use of the shed in the garden where power tools are used which they say cause a nuisance.

### **Planning Considerations**

The main issues central to the determination of this application are the impact of the wall on the amenities of the occupiers of neighbouring properties and the impact on the visual amenity of the area.

### **Planning Assessment**

There are no development plan policies that are pertinent to this application. Therefore, it falls to be judged on its own merits.

Whilst the height of the wall, at 2.7 metres high, is not typical of similar walls in the vicinity of the site in terms of its height, it is similar in appearance to other concrete block structures in other rear gardens on this side of Clamp Drive. It appears that such concrete structures are a popular means of retaining land and creating walls. Notwithstanding this, the wall does not form a prominent feature in the street scene, as it is at the rear of the property, and, as such, it is not detrimental to the visual amenity of the area.

The wall is constructed to a height, which only marginally exceeds the prevailing land levels either side of it, and is far enough away from any facing habitable room windows so as not to unduly reduce light or appear overbearing.

All other matters raised by neighbours are not relevant to the determination of this as a planning application.

**Recommendation**

**GRANT permission**

**Informatives:**

- (i) To note and act upon as necessary the comments of the Coal Authority (see attached letter).
- (ii) Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

## APPEAL ALLOWED

Appeal by Co. (Melbourne) Ltd

The erection of five detached houses with associated garages on Land Adjoining Netherhall Netherhall Road Hartshorne Swadlincote (9/2000/0939)

The application was refused permission for the following reasons:

- 1. The proposed development is contrary to the provisions of General Development Strategy Policies 3 and 4 and Housing Policy 6 of the Derby and Derbyshire Joint Structure Plan. The proposed dwellings would be located well outside Hartshorne and are not required in connection with an appropriate rural based activity and not justified by the operation of the residential care home. The development would consolidate an existing area of sporadic development in the countryside. The proposed dwellings would not be low-cost or affordable but large detached dwellings, which would be unlikely to have a low market value, given their size and location.*
- 2. The proposed development would be contrary to the provisions of Environment Policy 1 and Housing Policy 8 of the South Derbyshire Local Plan. The proposed dwellings would be located well outside Hartshorne and are not required in connection with a viable, long term rural based activity and not justified by the operation of the residential care home, nor can it be demonstrated that a countryside location is necessary. The development would consolidate an existing area of sporadic development in the countryside to the detriment of its character. The proposed dwellings are not designed to create as little impact as practicable on the countryside.*

The Inspector accepted that Structure and Local Plan policies included an emphasis on the redevelopment of previously developed land but also aimed at protecting the countryside generally, concentrating most new development on established settlements. He said, however, that the detailed circumstances of the appeal were unusual.

He summarised the planning history that outline permission was granted in June 1988 for the erection of 17 dwellings and a further outline permission granted in June 1989 for 25 bungalows both schemes of which would be for sheltered housing accommodation. Reserved matters were approved for 25 bungalows in March 1990 and that Council accepted that works had been carried out on site, which amounted to the commencement of development.

He said that taking account of this planning history, the Council granted planning permission in October 2001 for a different scheme of 15 terraced bungalows on the site. The planning permission was subject to conditions and an agreement under Section 106 of the Town and Country Planning Act 1990, under which the residential units were to be provided with supervision and nursing care by a recognised social housing provider. The dwellings were not to be occupied by any person under the age of 55.

The Inspector considered that this recent planning permission was an important material consideration in this case. He was persuaded that that if the current appeal were to be dismissed then this alternative planning permission would be implemented. He said that the planning permission that had been granted would create a substantial new group of buildings in the countryside setting, albeit subject to some restrictions regarding occupancy. He considered that the appeal proposal would be significantly less intrusive overall, in visual terms, and that therefore it would have less impact on the countryside setting. He said he had been influenced by the quality of the architectural design and that conditions should be imposed to control the detailing of the buildings, the materials and the landscaping.

He also considered that the difference in scale between the two projects was such that the appeal proposal would be more likely to generate less traffic and therefore have less impact on sustainability grounds and on the local rural road network.

## APPEAL DISMISSED

Appeal by Park Ltd

The retention of a free standing illuminated sign on land at the front of Snooty Fox Woodville Road Hartshorne Swadlincote (9/2001/0499)

The application was refused permission for the following reason(s):

1. *The site is set within a low-density residential area of ribbon development on the outskirts of Woodville where there are clear views through, and either side, of the site to open countryside. Due to its height, width, surface area, synthetic materials and prominence in the streetscene, the sign appears as an obtrusive and incongruous feature, which detracts significantly from the amenities of the area contrary to the Council's Supplementary Planning Guidance - Display of Advertisements and PPG19: Outdoor Advertisement Control.*

The Inspector considered that since the site is a prominent one, on the brow of a hill, the sign, in its forward and right-angled position, is particularly conspicuous in the semi-rural approach from the north-east position. He said that the sign is readily seen at closer range and more widely within the surroundings, including from the residential frontages along the opposite side of the main road. He said that the sign although in the general style of a petrol filling station sign, is not seen in association with other obvious commercial features, such as a forecourt canopy with signage. Rather it stands out as an isolated feature on the frontage. The public house presents a restrained commercial profile to view, in keeping with the residential character of the area. In contrast the tall appeal sign with its solid form and emphasised by its internal and external illumination, is a bold and prominent feature on the frontage. He added that whilst its predominantly cream colour is not garish, it adds to the conspicuous nature of the sign. Also, because the land drops away from the site frontage, the sign, in its forward position, appears from some view points to be as tall or taller than some of the adjacent houses.

With respect to highway safety he concluded that the sign is unlikely to distract the attention of drivers in the vicinity who are taking an appropriate level of care, on seeing the traffic signs for the junction, for their own and other safety.