

Our Ref : TW/CB/EA/667
Your Ref :
Date : 13 March 2020
Ask For : Claire Birch / Tracy Whitemore
Ext : 1662
Email : planningappeals@ambervalley.gov.uk

Dear Sir/Madam

Town & Country Planning Act 1990

Site Address: Haytop Country Park, Alderwasley Park, Whatstandwell, Matlock, Derbyshire DE4 5HP and Haytop Farm Caravan Park, Alderwasley (Shown edged red on attached plan.)

Appeals by : Haytop Country Park Limited, Mr Oliver Barney, Mr Ian Scott, Mr Mark Showell, Mr Mark Gartside, Mrs Grace Barney, Mrs Helen Scott, Mrs Debra Showell, Mrs Juliet Gartside, Haytop Country Park Limited

Appeal Reference: APP/M1005/C/19/3226967, APP/M1005/C/19/3226968, APP/M1005/C/19/3226969, APP/M1005/C/19/3226970, APP/M1005/C/19/3226971, APP/M1005/C/19/3232262, APP/M1005/C/19/3232263, APP/M1005/C/19/3232264, APP/M1005/C/19/3232265

Appeal Start date: 9 March 2020

I am writing to advise you that an appeal has been made to the Planning Inspectorate in respect of the above site, following an enforcement notice issued by this Council on 15 March 2019.

The enforcement notice was issued for the following reasons:-

It appears to the Council that the breaches of planning control detailed in paragraph 3 above have occurred within the last four years.

The unauthorised development of Haytop Country Park has included the substantial engineering and reprofiling of the land and the construction of concrete bases with gabion retaining structures to enable the stationing of static caravans on the site. The new roadway and infrastructure have then been constructed to facilitate the occupation of the residential units.

The caravan park is located adjacent an ancient woodland where trees protected by a Tree Preservation Order were illegally removed on the Land. The trees were removed to facilitate the unauthorised development and particularly the site preparation works.

Haytop Country Park lies within the Derwent Valley Mills World Heritage Site Buffer Zone and abuts the River Derwent. The Derwent Valley Mills were inscribed on the world heritage list by UNESCO in 2001. The site forms part of the wider woodland backdrop along the River Derwent, which is an important feature of the Buffer Zone.

In addition to its buffer zone status, Haytop Country Park is a countryside location that lies within the Alderwasley Conservation Area on land that is further designated a Special Landscape Area, where saved policies EN1, EN6, EN27 and EN29 of the Amber Valley Adopted Local Plan 2006 are applicable.

Haytop Country Park is located within part of the Alderwasley Conservation Area and the Derwent Valley Mills World Heritage Buffer Zone which is characterised by its wooded valley slopes. The operational development in association with the loss of mature protected trees has resulted in an enlarged and prominent gap in the natural woodland which has introduced extended views of the developed caravan park.

The unauthorised development is therefore harmful to the Outstanding Universal Value of the Derwent Valley Mills World Heritage Site due to the loss of the rural landscape setting. This represents harm to the significance of the designated heritage asset of the highest world value, both directly, as an attribute of the World Heritage Site, and to its setting as defined by its protective buffer zone. The development therefore fails to preserve or enhance the setting of the World Heritage Site, including views into and out of the site, contrary to the provisions of saved local plan policy EN29.

Furthermore, paragraph 193 of the National Planning Policy Framework 2019 (NPPF) identifies that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 identifies that any harm to the significance of a designated heritage asset should require clear and convincing justification.

The increase in visual urban development is detrimental to the appearance and character of the Conservation Area and harmful to its setting. The development has a negative effect on the heritage assets and convincing justification has not been substantiated.

There is a statutory requirement under Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of Conservation Areas. Having regard to the Act it is considered that the public benefits and material planning considerations do not justify the unauthorised development as it does not outweigh the less than substantial harm resulting from the development as required by paragraphs 193, 194 & 196 of the NPPF. The development is therefore contrary to saved local plan policy EN27 which requires development to contribute to the preservation or enhancement of the Conservation Area and the requirements of national policy.

The urbanising impact of the unauthorised caravans, roadways, hardstandings and raised wooden decking's are considered to affect the openness of the countryside location to the

detriment of the visual appearance and character of the area. The development is detrimental to the visual amenity, landscape quality and character of the Special Landscape Area. Paragraph 170 of the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic beauty of countryside. The development is therefore contrary to saved local plan policies EN1 and EN6 of the adopted local plan and the provisions of national policy.

Saved local plan policy EN8 details that permission will not be granted for development that would damage or destroy significant trees, woodlands or other landscape features. Furthermore, Paragraph 175c of the NPPF identifies that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodlands and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons.

The engineering works to reprofile the land and construct the new roadway, concrete bases and gabion basket structures has significantly altered the soil profile of the area and detrimentally impacted the buffer zone to the ancient woodland. No exceptional circumstances have been demonstrated to justify the loss of the trees and the subsequent impact on the buffer zone to the ancient woodland. The development is therefore contrary to saved local plan policy EN8 and the provisions of national policy.

The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

The enforcement notice requires the following steps to be taken

- (i) Reprofile the Land to restore it to its previous level and condition.
- (ii) Remove all concrete bases, hardstandings, gabion retaining walls, service connections and lighting columns from the Land.
- (iii) Remove the roadway (identified by a hatched area on the attached plan) from the Land.
- (iv) Remove all raised wooden decking structures and brick skirtings from the Land.

The appellant has appealed against the notice on the following grounds:

Ground (a) – that planning permission should be granted for what is alleged in the notice.

Ground (c) – that there has not been a breach of planning control.

Ground (f) – the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.

Ground (g) – that the time given to comply with the notice is too short.

The appeal will be determined on the basis of an **inquiry**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002.

If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to: teame1@planninginspectorate.gov.uk

Madeline Fox
The Planning Inspectorate
Room 3B
Temple Quay House
2 The Square
Bristol
BS1 6PN.

All representations must be received by 20 April 2020. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents are available for inspection at these offices (at Main Reception) between the hours of 9.00 am – 4.30 pm (Monday, Tuesday, Thursday, Friday and 10.00 am – 4.30 p.m. on Wednesday).

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Tracy Whittemore / Claire Birch
Appeals Officer