

Town And Country Planning Act 1990 – Section 78.

**Appeals Made By Wheeldon Brothers Ltd, APP/M1005/W/17/3188009 &
APP/M1005/W/18/3198996**

Whitehouse Farm, 153 Belper Lane, Hilltop, Belper

Original Planning Applications AVA/2016/1020 & AVA/2017/1128

Belper Town Council elected members unanimously reiterated their objections to this planning application and appeal against refusal based on the following points.

World Heritage Site Buffer Zone

The proposed development is within the Derwent Valley Mills World Heritage Site buffer zone which could impact greatly on the DVMWHS site.

In reference to the decision from the recent Bullsmoor Appeal Ref 3183493 by Secretary of State on October 11th 2018, the inspector said;-

“In 2014 the Derwent Valley Mills WHS Partnership published its updated WHS Management Plan, which says that one of the most important management objectives is the protection of the most immediate and sensitive parts of the WHS’s setting represented by the buffer zone [67].”

IR132. *“These later events have clearly strengthened the importance of the buffer zone and the setting of the WHS, giving them greater weight in the balance of considerations [61].”*

IR141. *“The site represents a fairly small part of the overall setting of the WHS in the Derwent valley. The appellants argue that the loss of a relatively small site, in itself, would not seriously jeopardise the significance of the WHS as a whole. However, the degree of local harm identified above should not be underestimated. Such reasoning could be used to justify similar proposals elsewhere in the buffer zone, and a proliferation of similar, relatively minor schemes throughout the WHS could, on a cumulative basis, result in very significant harm to the relict landscape setting of the WHS [53, 103].”*

This argument was attested to at the Hearing on 3rd July and by Historic England in their Statutory Consultee Responses regarding other Planning Precedent. Historic England says:

Two relevant decisions:

Land at Hill Top Farm, Belper APP/M1005/A/10/2142571

Land at North Avenue, Darley Abbey APP/C1055/W/15/3137935

IR142. *“The loss to development of the fields at Bullsmoor would weaken the heritage authenticity of the relict landscape as a functionally important attribute of the WHS. It would diminish the quality and extent of the original landscape setting of the WHS and thus substantially reduce the contribution the setting makes to the OUV and to the distinctive character of the WHS. The significance of the WHS as a heritage asset would be considerably undermined.”*

At Belper Lane, there will be an even more significant loss to the 'relict landscape' of the DVMWHS due to its immediate and adjacent proximity to the WHS itself

Fundamentally the Inspector recognises that the harm does not have to be 'direct':

IR147. *"Thus, while there would be no direct harm to the WHS, Pottery Farm or the Belper and Milford Conservation Area, very substantial harm would be caused to the setting of the WHS.... The failure to preserve or enhance the setting of the WHS in particular would conflict with AVLP policy EN29. In the terms of Framework 132-134, the development proposal would lead to less than substantial harm to the significance of designated heritage assets."*

The Secretary of State reinforces and agrees with the Inspectors judgements.

In particular, we would draw attention to the following Paragraphs in his letter of 11th October 2018 for Appeal Ref 3183493:

12. *"The Secretary of State also notes the Inspector's conclusion at IR24 that policy EN29 is generally consistent with the Framework heritage policy objectives, and he therefore agrees that this Policy should carry significant weight."*

Belper Lane is also against Policy EN29 of the saved Local Plan 2006

It is to be noted that Belper Lane is in the Emerging Plan. Although the Inspector at IR26 considered the emerging Plan as having moderate weight the Secretary of State says:

16.*"However, because of developments since the Inquiry, in particular the reasons for the pausing of the AVBLP examination, the Secretary of State gives only limited weight to the policies of the emerging AVBLP."*

The Secretary of State recognises in Para 26 that the housing element of the Bullsmoor proposal was in conflict with AVLP policy EN29, and because of this was not in accordance with the development plan.

This conflict is exactly the same for Belper Lane's inclusion in the Emerging Plan: the housing allocation is recognised as harming the OUV of the DVMWHS and is therefore by definition in conflict with the DVMWHS and Heritage Protection Policies EN2 and EN3.

The Inspector at IR26 also comments on the 'de-allocation' of a site in a Local Plan that is in conflict with other significant Policies/Plans:

"With regard to Framework 216, the AVBLP is at a fairly advanced stage and, while the appellants' objections are unresolved, the current 'de-allocation' of the site is consistent with Framework heritage protection policies and indeed with the WHS Management Plan."

In Para 21 the Secretary of State agrees the proposal would lead to 'less than substantial harm' of the designated Heritage Assets and continues:

"He also agrees that the failure to preserve or enhance the setting of the WHS in particular would conflict with AVLP policy EN29 and he attributes considerable weight to that conflict. He further agrees with the Inspector's conclusion at IR156 that the development would cause serious harm to the unchanged historic countryside into which the pioneering industrial development was inserted and which now provides a valued rural landscape setting for the built development."

18. *"The Secretary of State has carefully considered the Inspector's detailed analysis of the significance of, and the potential impact on, the WHS at IR133-144. In particular, he agrees with the Inspector at IR138 that, because of the area's protected location within the WHS*

buffer zone, the survival of the historic field pattern and the very positive contribution that this historic landscape makes to the Outstanding Universal Value (OUV) of the WHS, it should be considered a valued landscape in terms of the Framework.”

Belper Housing Need

Belper Town Council has an emerging Neighbourhood Plan which has identified via a Housing Need Assessment (HNA) 2016 that this development does not match the requirements of the town in respect of its needs for the types of houses in the places people want to live.

Policy update on HNA – 26/10/18’ says:

Para 2: “This has been the theme of reforms undertaken over the last 18 months, from the White Paper Fixing the Broken Housing Market, to the revision of the National Planning Policy Framework, which have been about delivering the homes this country needs, in the places people want to live.”

In reference to the decision from the recent Bullsmoor Appeal Ref 3183493 by Secretary of State on October 11th 2018, the inspector said;-

IR157. “I have taken account of the recently published White Paper “Fixing Our Broken Housing Market” but find that this scheme would seriously compromise core planning principles set out in national and local planning policy.”

The Belper Lane applications AVA/2016/1020 & AVA/2017/1128, which are the subject of this appeal, do not address Belper’s emerging Neighbourhood Plan.

Whilst Belper has been identified by Amber Valley Borough Council as one of the four towns in the Borough suitable for development in the Emerging Local Plan, there is little available undeveloped land, apart from brownfield sites, to meet the suggested Local Plan target within the Parish boundary.

We note that Policy update on HNA – 26/10/18’ says,

Para 27 (3): “Local housing need does not represent a mandatory target – it is simply a starting point for planning, and local authorities may either choose to plan in excess of this or to conclude that they are not able to meet all housing need within their boundaries, for example due to constraints such as protected designations and Green Belt, or whether that need is better met elsewhere. This means there is flexibility for local authorities to manage movements in local housing need locally”

Belper, by virtue of its geography and flood risk, Derwent Valley Mills World Heritage Site status and Buffer Zone, Green Belt, Conservation Areas, heritage buildings, and special landscape interest, no longer has available greenfield areas available for building, a poor and irreparable transport infrastructure, and should be removed from the Local Plan process.

Housing Type

Building on the Derby Strategic Housing Market Assessment (SHMAU), the Belper Neighbourhood Plan commissioned its own HNA (2016), Page 52 of the AECOM HNA:

“SHMAU notes ageing of population likely to result in increased need for affordable housing over plan period; however, currently, affordable need relatively lower in Belper-Ripley sub-market. Affordable housing waiting list shows need in fact significantly lower than 20-30% target (though this is only a snapshot in time, it is still the case that affordable housing need

in Belper is not so high that it acts to raise overall demand). As such, an assessment of two down arrows has been made to indicate that although affordable housing need exists, it is lower than the Amber Valley average.”

More relevant for Belper to meet its housing type need is reflected in the statement from ‘Government HNA- 13/9/18’:

Page 10: *“The need to provide housing for older people is critical as people are living longer lives and the proportion of older people in the population is increasing.....*

Supporting independent living can help to reduce the costs to health and social services, and providing more options for older people to move could also free up houses that are under occupied.”

The local HNA report states

Page 51 *“SHMAU notes stronger demand from older population in Amber Valley relative to rest of Derby HMA, and with 40-60s age group growing 2001-2011 (largest age group in 2011 Census), thus over 65s, particularly the 75-84 cohort, likely to increase in plan period. At same time the population aged in their 30s and under the age of nine fell across Amber Valley. In Belper, age structure is around average for Amber Valley. The evidence therefore suggests there is likely to be a significant increase in the older population and this is likely to increase overall housing need - which is confirmed through analysis of the sub-national population projections, hence two up arrows.”*

The above is further evidenced by the ‘Census 2016’: Table 414 shows the household projections by age, from mid-2016 to mid-2041 by region. For Amber Valley, for the various age groups below 64, there is no change except for the 45-54’s where there is a drop of 2000. The significant projections are

| | |
|-------------|-------|
| Ages: 65-74 | +2000 |
| 75-84 | +5000 |
| Over 85 | +4000 |

This application consists of family houses which are inappropriate to address Belper’s Housing requirements.

There are no sustainable resources available in respect of schooling, as the nearest school is full, and the suggested alternative is 3 miles away across Belper, adding to the congestion the pre Victorian road layouts suffer.

The nearest medical facility, Riversdale Medical Centre, is committed to accommodate other housing developments and, because of its location, cannot expand further.

Even if the planned housing provision was changed to accommodate the increasing local elderly population, the remoteness of the site, with poor transport links, up a steep hill, would not deliver a sustainable housing solution.

In summary,

The appeal, if successful, and the development takes place, would damage the Buffer Zone of the Derwent Valley Mills World Heritage Site. There are a number of other appeals for developments in the DVMWHS that have been refused, and these need to be taken into consideration when a decision is made.

We are aware that the applicant has made planning applications for a larger development on this site, and are concerned that allowing this application, may open the door to an expanded development in the future based on a precedent.

On the basis of the above, the site should be removed from the emerging local plan.

The proposal is not in accordance to Belper's housing requirement based on well researched housing need forecasts.

Even if the housing type was changed to meet the forecast, the sustainability of a satellite housing development, at the top of a steep hill, with poor transport infrastructure, insufficient local medical provision, would be wholly inappropriate.

The site is a Greenfield site, and there is adequate provision on undeveloped brownfield sites within the Parish boundary, to deliver a sustainable, affordable, housing resource that will meet Belper's emerging housing needs.

We ask the inspector to reject the appeal.