From: Paul Warren (Place)
Sent:21 May 2021 13:19:28 +0100
To: Development
Cc: Anthony, Laura
Subject:AVA/2020/1188 Land At Kirkham Lane Kirkham Lane Fritchley

Dear Laura

AVA/2020/1188

Proposed Greenhouse 4.3mx3.6m on agricultural land at Kirkham Lane Fritchley

Land At Kirkham Lane Kirkham Lane Fritchley Belper Derbyshire

Please find below my heritage comments on this application:

Context

The application site is a paddock that might suggest it had some relationship to the adjacent Fairfield Farm, although the application documents indicate that there is no common ownership beyond the paddock. The application site excludes the line of the historic Butterley gang road, adjacent to the site s east boundary, which is within the Fritchley Conservation Area (FCA). There is no indication in the application to suggest that the ownership extends to include that section of the gang road, which is excluded from the application site as indicated by the red line.

Fairfield Farm is not an historic farm of any size or significance. A smaller L-shaped range of buildings appear on the first edition OS map, but is not labelled as an established farm. Any relationship to the proposed agricultural use appears to be unrelated to any operations at Fairfield Farm, the nature and extent of which is not known to me.

The character of the Fritchley Conservation Area is of a small settlement in an open rural landscape. The adjacent and surrounding open agricultural land extends that character to the wider landscape to form the setting of the conservation area. The setting of the conservation area, as a designated heritage asset and that of the Butterley gang road, as a non-designated

heritage asset, are material considerations is respect of this application, the weight of which need to be taken into consideration.

Proposed Development

The proposal is for an aluminium framed greenhouse, with polycarbonate panels, measuring 4.3 x 3.6 metres. The greenhouse would have no foundation, but would sit on a row of bricks, not cemented together, avoiding the need, presumably, for any engineering works. It is not clear whether the hipped roof would be glazed. Guttering would connect to a water butt with a 1.0 metre squared soak away. The greenhouse would be located 2 metres from along the southern boundary in the established treeline. The greenhouse would be 10 metres from the gang road on the site s east boundary.

Heritage Impact

I am mindful of the dismissed appeal for the previous application on this site, AVA/2019/0509 (Appeal Ref: APP/M1005/W/20/3246623), which included:

> *17. The Council refer to views out of the FCA as being important to its significance as a rural settlement. I do not disagree, but as I have already found the development would have little visual prominence outside the appeal site s boundaries. The Council have not referred me to any specific views from the FCA which would be offended. Given distance, topography and intervening vegetation, the development would not be readily visible in northward views from the Sunnyside Cottage area of the FCA nor any of the significant views identified in Map 13 to the CNP.*

> *Whilst the site itself lacks redeeming features, in my view, it makes a small positive contribution to the character and appearance of the area and by extension, the setting of the FCA.*

<u>Views out of the FCA</u>

Were views available from the section of Kirkham Lane that forms the western boundary of the application site, along which footpath 72 (AV5/72/1) is carried, to the Old Mill in the nearby valley, I would consider that the proposed development would have an adverse impact on that view of the Old Mill in its rural setting. However, due to it being set down within the valley, relative to Kirkham Lane, and with intervening row trees, the views would be limited if available at all. Accordingly, I am unable to refer to views from the FCA which would be harmed by the development, with respect to its special architectural or historic interest, although landscape value could be impacted under other material considerations and LP/NP policies.

Views into the FCA

The wider landscape surroundings, within which the FCA is experienced, would be impacted to a degree by the incongruous presence of a feature unrelated to an existing agricultural use. Viewed from Kirkham Lane, adjacent to the application site, the proposed structure would be visible southwards to the FCA. The introduction of the proposed structure into this context would be harmful to its setting and views into the FCA. However, in the light of the Inspector s conclusion on the heritage considerations of the previous application on this site, I would have to advise that, given the reduced scale of the proposal development, the harm through the impact on its landscape setting would be to the lower end of the less than substantial range.

> *18. The FCA does extends northwards following the line of the BGR. However, the FCA and BGR at this point are located in the valley bottom with views to the west being significantly curtailed by the rise of the land and an established tree belt. It is also germane that there appears to be no formal public access to this part of the BGR.*

> *19. Accordingly, I am not persuaded that the development would impinge significantly upon the setting or views to/from the FCA and/or the BGR. To that end, I am satisfied that the setting of the two heritage assets would be preserved and there would be no conflict with LP Policy EN27, CNP Policy NP3 or the Framework insofar as they relate to heritage assets.*

In the previous application (AVA/2019/0509), an orchard formed part of the development proposals, which was acknowledged by the Inspector to offer some future mitigation to the visual impact of the development on the landscape harm, in consideration of the greater scale of buildings proposed under that application. The current application does not appear to include the planting of more fruit trees being part of the proposals, although mention is made of a row of trees having being planted already, along the Kirkham Lane boundary. Given the level

of harm identified, the Inspector did not consider the development would have a *significant adverse impact* on the character of the locality to be clear, that is the locality outside the conservation area. The reference to significant adverse impact was clearly in consideration of LP Policy EN11 b), although presumably the proposed development, of any scale, would be in conflict with policy EN11 c):

POLICY EN11

Planning permission will be granted for agricultural development, providing that:-

a) it is essential for the purposes of agriculture

b) it would not have a significant adverse impact on the character of the locality

c) any proposed buildings are located within or adjacent to existing agricultural buildings to minimise visual impact

I would have to disagree with the Inspector s conclusion that the significance of the two heritage assets in question would be preserved under the previous proposals, which are acknowledged as being of a greater scale than the current proposal.

Recommendation

It is considered that the proposed development would cause harm to the significance of the Fritchley Conservation Area, as contributed by its landscape setting, and would be contrary to LP Policy EN27.

The harm to the designated heritage assets would be less than substantial as defined in the current NPPF (February 2019), although the great weight afforded to the conservation of designated heritage assets would require the development to include significant public benefits were it to outweigh the harm to assets of local heritage value, in the consideration under paragraph 196 of the NPPF. Given the reduced scale of the proposal development, the harm through the impact on its landscape setting would to be at the lower end of the less than substantial range.

I trust that these comments are suitable for your purposes.

Kind regards

Paul

Paul D Warren

Heritage Consultant

for Amber Valley Borough Council

21 May 2021





