PLANNING APPLICATION AVA-2025-0668

Kirk Langley Parish Council objects to the proposed development for up to 49 dwellings on Moor Lane. This is on the basis that it is contrary to our Neighbourhood Plan (KLNP), local planning policy (the 2006 Local Plan and the submitted Local Plan) and the NPPF. Kirk Langley is overwhelmed by recent development, which is fundamentally altering its historic character and landscape setting. This means that further development is not sustainable because it is failing to strike the balance between meeting housing need and protecting this environment for future generations. Whatever capacity Kirk Langley may have had in the past to support more homes, this has now become exhausted. The outcome of perpetual development, field by field, is the potential loss of everything which made this a special location, earmarked for preservation by its many designations of listed buildings and a sizeable conservation area. We have very limited facilities to provide for the needs of our increased population and the constraints of the S106 process means this will not change. A line needs to be drawn.

The history of development

Since 2017, this area has been targeted for development. Before then, the 2006 Local Plan operated to limit development in Kirk Langley because of our limited facilities. Suddenly we were designated a "key village" in the (now withdrawn) local plan and everything changed. The reason for this change has never been explained. The 2006 plan had determined that we should have no more than limited infill development. We then lost our only small post office and shop yet suddenly and without any logical justification we were able to sustain more development. To put this into context, the designation of this as a sustainable location operated against a backdrop of reduced facilities. The outcome is a community substantially reliant on the car for everyday needs. Although bus frequency has improved very recently, to twice hourly at peak times, and although it will support the car-less a little better (and therefore is to be welcomed), it will do little to tempt people out of their cars. There is no direct bus route to the railway station, the nearest hospital or to any supermarket. We do not have a doctor's surgery in the Parish. The closest outlets for a bottle of milk or a doctor are Brailsford, Mackworth or Mickleover. These are not walkable distances and not suitable for cycling, with the A52 being particularly ill-suited for non-vehicular travel. More site-specific traffic concerns are touched on later. Sustainability has a travel element which is worth reiterating:

> **NPPF para 10***" .....Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes....."*

In 2017, a development on the North side of Ashbourne Road began the inexorable process of building around the village. This comprised 30 homes and was commented upon during the consultation stage by Historic England, which expressed concern over the scale of the plan and stated it did not follow the "historic pattern" of development. Approval was given regardless. Successive planning applications to develop adjacent fields have now created a single housing estate of 109 dwellings, including the original 30[1]. The refusal to place a

[1] This is the Peveril Homes Flagshaw Pastures (phases 1, 2 & 3)

crossing across the road divides this population from the only village facilities we can offer:- a primary school, a telephone box book exchange, a (very) small village hall, a playground and recreation ground (with inadequate and unheated pavilion) and a church.

Opposite the 109-home estate, we now have the Moor Lane development of a further 35 homes[2] which has now been completed. Planning permission for a further 53 homes on Ashbourne road, adjacent to the Moor Lane development was granted in 2024, although work is yet to begin. And so, withing a period of 7 years, the village has changed beyond recognition. This recent pattern of development is clearly urban rather than rural. If Historic England had known in 2017 what would happen by 2025, what would their response have been? Their response to this application is not yet visible on the portal.

The LOCAL PLAN

The local plan is at an advanced stage within the planning process. Further work has been completed following the public inspection in December 2024. The amendments have undergone a period of further consultation, and the plan is currently with the inspectors for a final decision. It is very likely to be passed, even with minor modifications. This means it should attract significant weight in the planning process. Within the plan, the minimum housing requirement for Kirk Langley Parish is 183. The minimum requirement is explained in this way:- it "reflect(s) completions for the period 2022-2025, those dwellings with planning permission within that parish as at April 1 2025, identified neighbourhood plan allocations, together with the dwellings to be provided on any housing growth sites within that parish as identified in policy HSG/1". This means that our housing allocation has already been met, with no further allocation described for Kirk Langley. In terms of general guidance for housing applications, constraints apply because of the need for its scale and character to be "proportionate to the settlement it relates to" and the settlement hierarchy as set out in policy SS3; that it is sustainable; has infrastructure capacity and so on. These requirements set the overall strategy for development in our area. The issue of capacity for further development is described further below. Although we are a "key village" within the hierarchy, the planning authority have been asked repeatedly in submission after submission to examine what sustainability actually means for Kirk Langley. Where is the capacity for further development when our housing requirement in the KLNP has been exceeded many times over? This submission was also made orally to the planning inspector by the chair of the Parish Council during the public inspection and reiterated in the response to the amendments. Residents in this village share our frustrations about a process which appears to empower local voices by encouraging neighbourhood planning and yet ignores the result.

Neighbourhood planning

In good faith, our community set out on a difficult journey to embrace planning policy in the hope it might be sensitive to the needs of this community and the need to preserve this place for the future. It was accepted when we began in 2017, that some proportionate growth would be required. The process began in the absence of an up-to-date local plan and a lack of any housing designation from the Local Authority. The 2006 plan was out of date, at least in relation to its housing policies. As we proceeded with the work, the submitted draft local plan was withdrawn just before our plan was submitted. Against this tricky backdrop, we obtained

[2] The Cameron Homes Amber Grove development

a housing needs analysis, which also included a contribution to Derby City's unmet needs. This was all agreed by Amber Valley planning. The outcome was provision for 54 houses for the plan period up to 2032. This professionally sourced report was based on population, housing pressure and housing targets for Amber Valley (including a Derby City contribution) using the nationally-agreed formula. The KLNP also relied on painstaking research, assessing the facilities and services available to residents. All this information, underpinning our lack of resources and services, was set out in the narrative of the plan. We expected this would help the planning authority to assess what amounted to sustainable development for our area. We thought it would make a difference. Our strategic aim for housing was expressed in this way:

3.2 Housing

3.2.1 Strategic Aim

"To provide for the needs of Kirk Langley's community and ensure compliance with the strategic aims of the NPPF by ensuring additional housing provision is in scale, sensitive to and reflective of the character and landscape of the parish and appropriate for the current infrastructure and facilities.

To ensure residents are connected to each other and to the natural assets of the Parish.

To ensure development is sustainable so that residents can access local services and facilities".

There was extensive public consultation during the process of producing the KLNP. Most responses detailed the lack of local facilities and services as a concern and one of the key constraints on the development capacity of the village. In other words, the people most affected by development and who lived here, knew the facilities were inadequate. We can offer very little to new residents, other than the certainty that car travel will be necessary for day-to-day needs. All this has been set out in the narrative to the plan. By the time the final draft of the plan was ready for submission, the allocated target of 54 had already been exceeded, such was the development pressure in our area. The residents of this parish expected the planning authority to consider our assessment of our own facilities and our own assessment of the scale of housing appropriate for this historic village and bear in mind the housing needs analysis for this area. They expected the housing target to offer a measure of control. This has not happened at all. Large ubiquitous housing estates appear to be the new norm and thus the historic pattern of development has been lost. Additional housing in this area has ballooned to the point where the village is becoming unrecognisable. Since the land grab began in 2017 we have had to try to absorb the additional 109 house estate to the north of Ashbourne Road[3], the 35-home development on Moor Lane (East side)[4], the 53 home development with new permission[5] to the east has yet to begin, but has now been supplemented by a request for planning permission for an additional 36 houses[6], heading South towards Langley Common. There are also individual developments dotted around the parish, barn conversions and the like, that have not even been counted.

[3] Flagshaw Pastures
[4] Amber Grove
[5] AVA/2023/0006
[6] AVA/2025/0739

Since the KLNP was made, the village has gained additional primary school places certainly, but has lost a local wine merchants. We have no retail outlets. Have we not surpassed a sustainability tipping point or is the word "sustainable", which runs through planning policy at every level, without any meaning? If it is without meaning does the agreed KLNP target of 54 share the same fate? Although it is accepted that this is a target not a ceiling, this figure of 54 must have some meaning and impact. Why otherwise would a considerable amount of public money be spent to in order to assess housing need? Does it not provide a proportionate, sustainable figure for a local community to absorb growth, and contribute to an overall target for the borough? The need to designate such a target is set out in the NPPF. It carries weight. It just needs to be weighed in the balance. However, it has been ignored hitherto, as successive applications have been authorised without any recognition of the cumulative effect upon our community and the loss of valued landscapes, still less that it passes the 54-home target by a sizeable factor. At the same time, our newly-built housing estates hide the historic development pattern to the point where urban sprawl best describes the East and Southern aspects of our village, as it creeps ever-closer towards Derby and towards the settlement of Langley Common.

There has been no assessment of impact since 2017, and this was a major criticism we made of the submitted Local Plan. The new plan does not include any additional housing target for this village because we have already reached it, and it is submitted that additional housing is not sustainable. Neighbourhood planning should aid planners and developers to understand the local context when applying higher-level policies. It has been systematically ignored.

Building a community

A reasonable bystander might expect that a significant increase in a population in a rural location might be accompanied by a commensurate increase in facilities. This is not the case. Although the local primary school has increased in size to the maximum possible on this site, other community assets have not. In terms of other local resources, the developer contribution (S106) can only be used for open space provision as a result of Amber Valley's own policies. This has translated hitherto into small, isolated play areas for young children smuggled away towards the back of new housing estates. The Parish Council already supports a large play area and recreation ground. We want our local children to meet and feel part of a community. Our pavilion is capable of being developed with the right funding. Additional community facilities, including sport facilities for all ages could be acquired, if more helpful policies were adopted and money freed to develop facilities strategically. This would enable people to meet and to build a community which embraces all newcomers as well as existing residents. We need facilities for the elderly and for teenagers. We need a shop. Unfortunately, Amber Valley has chosen not to have an outdoor spaces policy which covers buildings, which therefore prevents existing facilities from being improved. We can only spend any S106 funds we acquire on replacing existing play facilities because our recreation ground is bound by a trust to provide cricket and is too small for further on-site use for other sports. There has been no public benefit to the community by this population increase and in fact, even a promised pedestrian crossing, secured through a developer contribution for the first housing development[7], has failed to materialise due to the opposition of the Derbyshire County Council Highways Authority. There will be no public benefit created by an additional

[7] Phase 1 Flagshaw Pastures

development of 49 homes unless the planning authority starts to recognise local need and adopts more helpful policies. The NPPF at Para 8 b) refers to the social objective of building strong vibrant and healthy communities as a key element of achieving sustainable development. This requires some recognition at least that on site facilities are needed to help to build a community.

Homes England's Chair, Peter Freeman, has addressed the Inside Housing Development Summit 9 June 2021:

> *....As we start to recover from the pandemic and rebuild a more productive economy, we are learning that the "new normal" will be very different from the past. We must make progress towards a zero-carbon society. We are realising that our children, and their children, will not thank us if we continue to build poorly designed homes and places. We are recognising that the way we develop neighbourhoods, towns and cities is key to our health and well-being. As we look to the future, building the homes the country needs to unlock opportunity and growth will be crucial, but the pursuit of those ambitions can't be just a numbers game. We are more likely to win the argument for new, extended and rejuvenated settlements across the country precisely by promoting well-designed, connected, vibrant places where people can prosper through the different stages of their lives.....The pandemic has brought clarity around the importance of place. It made us realise how much people treasure their space; the familiarity of their community, green spaces, and amenities to enjoy on their doorstep, not a train or car ride away".*

If permitted, this development will underline the fact that "place" and the needs of the people who live within it are unimportant in the planning process.

<u>Specific provisions</u>

Heritage

The application site affects the setting of Kirk Langley Conservation Area (CA). The impact on 'setting' as a contributor to the CAs significance, namely its special interest, is a material consideration in planning terms. A study of the CA is included as part of the KLNP at Appendix 3. The report points out that the special historic interest lies in the form of the village being recognisable for its medieval and post-medieval development. The CA contains a large number of heritage assets relative to its small size and this contributes towards its special interest. The rural setting of the village is also a contributor to the significance of the CA and its listed buildings. The report, produced before the building began, says this about its rural setting:

> *3.1 Kirk Langley is in the Needwood and South Derbyshire Claylands National Character Area, as defined by Natural England, with the settlement lying in a transitional area located in both 'Estate Farmlands' and 'Settled Farmlands' designations. The land-use in this Character Area is predominantly dairying and stock rearing on improved permanent pasture and leys. The wooded character is reinforced by dense lines of trees along watercourses, typically alder and willow but also the occasional oak or ash.*

Together the trees combine to restrict or filter views through the landscape. Most of these settlements have grown relatively little, although modern infill development is beginning to modify their original loose knit character.

3.2 Typical of the Needwood and South Derbyshire Claylands National Character Area, the village of Kirk Langley is surrounded by farmland, with arable, sheep, dairy and beef farms in the neighbourhood. The rolling fields are bounded by mixed hedgerows, now largely cut mechanically and thus dense and broad as a consequence. The topography is such that the village by the church is often lost into the folds of the landscape, particularly when the trees are in leaf. There are however long views towards the village from key points in the Conservation Area (see section 6).

> *"We have identified already that Kirk Langley has built-up areas of different character, separated by looser development and generous open space, a defining characteristic of the Conservation Area. Along the A52, terraces of cottages are huddled towards the centre of the village..."*[8]

So, Kirk Langley CA is significant not only for its buildings but also for the farmland which surrounds them and the CA as a whole. The original "loose knit character" has been affected or "modified" by modern development, the report observes. This is a reference to the 8 homes of Barrington Close. This review was undertaken before the building of Phase 1 and 2 and 3 on the northern aspect of Ashbourne Road and the 35-home development on Moor Lane. The impact of yet another large development to the east of the Conservation Area and which actually touches the eastern boundary and which removes yet more arable land from the immediate setting of the Conservation area, can only cause significant harm.

National policy is set out in ***Para 192 and para 193 NPPF:***

" In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness

Para 193 *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*

[8] Para 8.1 CA Character Description

In view of the fact that the space around the CA is vital in creating its context, it has not been demonstrated how this development will "sustain and enhance" the significance of the conservation area. The fact remains that this is previously-undeveloped arable land which adds to the open feel and context of the CA as explained in the KLNP and Appendix 3..

Neighbourhood Plan

The strategic aims of the neighbourhood plan (para 12.1), endorsed through public consultation are as follows:

- Kirk Langley will protect and enhance its distinctive character and rich heritage as an historic agricultural village, valuing its conservation area, listed buildings, parkland and its setting within the wider landscape.
- Kirk Langley will keep its village atmosphere, by maintaining and improving opportunities for neighbours to meet and get to know each other and by ensuring Kirk Langley continues to have a strong sense of community.
- Villagers will be connected to each other and to the natural assets of the village as well as maintaining connections to other places, services and facilities
- Kirk Langley will value, protect and improve its natural environment, enhance the ecosystem and minimise the impact of new developments on the surrounding countryside, landscape and ecosystems.
- The needs of Kirk Langley's community will be met by housing provision which is in scale, sensitive to and reflective of the character and landscape of the parish and also reflecting the limitations of available infrastructure and facilities
- The local economy will be vibrant and any development will be in keeping with the size, heritage and landscape of the village.

A specific policy relates to the heritage assets of the village:-

HER2 Protecting the Conservation area, listed buildings and other heritage assets

> *"To be supported development proposals must demonstrate regard for the Conservation Area and any heritage asset identified in Appendix 4 and Appendix 6 (as updated throughout the plan period) where they or their setting may be affected by the proposal. Development will be required to be designed appropriately, taking account of local styles, materials and detail. Account must be taken of the distinctive character areas, as described in Appendix 7".*

Any extension to the already permitted development will create a significant adverse impact on the wider landscape which is out of place. It is wholly wrong to keep adding to new development and keep on believing it does not create significant impact. It does. The cumulative effects of development, particularly to the east of the CA cannot be ignored. If small infill development is "beginning to modify the CA character", the impact of larger development can only be regarded as overwhelming it. This cumulative effect of development which is out of scale with the village and which alters the context of the conservation area as a whole must harm its significance. The fact that permission has been granted in the past which threatens our existence as an historic farming village and our heritage, should not simply give the green light to continued developer-led urbanisation. In terms of policy HER2 the sheer size of the proposal, touching the edge of the CA, does not "demonstrate regard for the Conservation Area" and is not designed appropriately.

Policy HER1 (Neighbourhood Plan)
The applicant has not fully addressed a major objection to the plan, which relates to its size and positioning within the site. The Neighbourhood Plan policy **HER 1** targets the preservation of the space between settlements. The relevant section of that policy is set out below:

> *"...In particular any development which extends the built-up area of Kirk Langley village towards Langley Common or along the A52 will not be supported unless this improves or enhances the visual amenity of the approach to the village along these routes...."*

Although it is noted that the proposed development follows the line of the public footpath, it still advances further along Moor Lane than both the existing building line on the opposite side of Moor Lane at Fielden Close and the new building line from the development behind. That development encroached further north than earlier development at Fielden Close (despite objection) and was therefore itself in breach of this policy. The cumulative effect of the built-out development on Moor Lane and this proposal, is the steady step by step creep towards Langley Common. If this development is to be approved, it should be smaller in scale or redesigned so as to peg it back to the Fielden Close building line, so as to comply with policy HER1. The proposal does not "improve or enhance" the approach along Moor Lane because open fields, in the context of this rural and historic village are its best approach, rather than another housing estate. The impact on 'setting' as a contributor to the CAs significance, namely its special interest, is a material consideration in planning terms.

POLICY ENV2
The planning application envisage the removal of hedgerow. The NP states:

> ***ENV2*** *"To be supported development proposals must demonstrate how they recognise, protect and enhance the historic landscape and local character....."*

In the explanation/justification section for this policy:

> "*Field patterns and elements of the landscape heritage of the area, including ridge and furrow, field ponds, mature trees and historic hedgerows should be protected".*

The NP also describes the value of hedgerows and mature trees within this historic landscape as well as in relation to biodiversity.

> **EN8** (Local Plan 2006) *Planning permission will not be granted for development that would damage or destroy….., hedgerows, ……other landscape features, unless exceptional circumstances can be demonstrated to justify the proposals*

The applicant's intention to provide additional planting is welcomed, as is the provision of some limited additional green space. Further information about this is required, particularly as the proposal envisages management of the additional green infrastructure in the future. Simply laying small, isolated, grassy areas maintained by regular mowing, within the

development will not replace habitat lost to priority species, such as farmland birds. It will not attract invertebrate species. It will not fix the damage caused by removal of ancient hedgerow.

Policy ENV 2 *"To be supported, development proposals must demonstrate how they recognise, protect and enhance the historic landscape and local character. The open rural "feel" and those vistas identified on Figure 33, and described in Appendix 8, must be protected. These include the views from footpaths and roads, and from the designated open spaces and recreation facilities identified in Policy ENV1"*

Appendix 8 to the KLNP contains two relevant photographs, namely **D** and **R** which depict key views which must be protected. Although the applicant has considered the shielding effect of trees; this approach alone does not address the loss of the "open rural feel" and how the specific views are to be protected. In the justification section of this policy, it states:

> *"In order to protect this asset, an approach is needed that requires development to be unobtrusive; respecting characteristic features, the sense of place and open vistas. The protection of views from open green spaces, roads and footpaths is key to conserving the landscape for now and future generations. The open vistas leading into and out of the village with extensive views across the surrounding rolling countryside, create the rural feel so valued by the community"*

The footpath running along the site would be completely altered by the housing development on its northern aspect. Residents and visitors would no longer wander along open fields, enjoying the views in either direction. The footpath moves diagonally away from the Cunnery towards the open fields at either side of Moor Lane and the views are highlighted for protection within the plan. This development therefore breaches ENV2 of the KLNP.

Local Road traffic concerns

The expansion of the local primary school on Moor Lane and the developments on the Eastern aspect of Moor Lane have added to the traffic concerns which were already reported prior to any building development in the immediate area. Recent concerns discussed with the Highways Authority have led to the approval of a plan for carriageway modifications and a variable speed limit to 20mph during school hours. To suggest that this is a problem-free area is misleading. Problems highlighted to the Highways Authority include not only accidents at the junction but also multiple collisions with a historic building within the CA. This part of Moor Lane, which is particularly narrow prior near the Cunnery, competes with buses, farm machinery and school traffic, as well as additional traffic movements from existing residents and from a greatly-expanded Mackworth and Mickleover population. It is notable that the highways assessment (doc 147253) makes no reference to the school and the problems cause at school drop-off and collection times. Any further vehicle movements envisaged by additional development on Moor Lane can only exacerbate the problem.

Loss of farmland

The proposal will take a large field out of agricultural use for ever. It is good quality agricultural land. The following KLNP policy has a bearing on this issue:

***ENV 4**:*

To be supported proposals for the development of best and most versatile agricultural land must demonstrate the public benefit outweighs the economic and other benefits of the existing use.

Whilst accepting that the provision of housing brings with it a general public benefit, housing which is in the wrong place, which harms a community due to its scale and location, which is unsustainable and harms its heritage and which destroys agricultural land cannot be supported. The loss of green fields is an important matter because this is not an infinite resource. It has an intrinsic economic value for food production, at a time when threats to food supply are very real. So, the public benefit should be weighed not just in terms of the short-term boost to the economy and the benefit of "more homes" generally, but the specific impact of this development, with its impact on Kirk Langley and potential harm to an area of ecological, historic and environmental value and loss of food production capacity. We do not need more homes to serve our local population and we have more than provided a contribution towards Derby City's unmet need for more houses.

This also conflicts with saved policy **EN 10 (Local Plan):**

*Planning permission will not be granted for development that would involve the irreversible loss of the best and most versatile land (defined as grades 1, 2 and 3a of the Agricultural Land Classification) except where the development***:**

1. results from an allocation made in the Local Plan; or

2. cannot be accommodated on a previously developed site, land of lower agricultural quality, derelict or non-agricultural land, unless other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land

Land quality in Kirk Langley has been assessed generally but not closely studied. It is believed to be either grade 2 or grade 3a according to the Natural England strategic assessment. This site is not an allocated site withing the KLNP nor the submitted Local Plan.

Conclusion

This application can be and should be refused for a number of reasons. It does not comply with specific provisions of the neighbourhood plan because:

- It is not within the housing allocation
- It breaches its Heritage and environment policies (HER1, HER2 and ENV2 and ENV 4)
- It is not sustainable
- The road traffic impact assessment is inaccurate

It is not contained within the allocation of the submitted plan and is not sustainable in terms of the social objective and environmental objectives set out in the latest iteration of the NPPF at para 8:-

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet*

the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy".*

Para 9 of the NPPF states that "local circumstances" should be taken into account. If the planning authority does this and really thinks about the impact continued unsympathetic development is having upon this area, it should be able to conclude that the presumptions contained in para 11 of the NPPF, and the various policies referred to, contain a sufficient basis to refuse this application. Our neighbourhood plan is up to date because we have provided sites for housing. All allocations are met by current planning consents. The adverse impacts highlighted provide strong reasons and sufficient adverse impacts to offset any balance in favour of development.

Kirk Langley Parish Council