
Delegated report Officer: Helen Branson

Application ref. DMPA/2025/1031

Change of use (retrospective) of a former agricultural building for vehicle repairs and part of the existing farmyard for recovery and storage of vehicles at Hoon Villa Farm, Hoon Lane, Hilton, Derby DE65 5GA

Valid date:	07/10/2025
Consults expired:	11/11/2025
EIA development?	No
Section 106 agreement?	Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2006/0571 - extension to existing free range laying unit - approved with conditions 04/07/2006
9/2003/1270 - prior approval for alterations to existing farm implement storage building - not required 11/11/2003
9/1999/0073 - erection of an 8000 bird free range egg production unit - approved with conditions 15/06/1999
9/0489/0048 - erection of an agricultural workers dwelling (built and known as Hoon Ridge Manor) - approved with conditions 28/06/1989

Responses to consultations and publicity

Derbyshire Wildlife Trust (19/11/2025) - no comments or objections

Environmental Health (03/11/2025) - no objection subject to conditions relating to hours of operation and external lighting.

County Highway Authority (05/11/2025) - no objection subject to a condition to secure improved signage

Nine comments of objection were received from local residents which can be summarised as follows:

- Traffic and road safety concerns
- Infrastructure damage and directional nuisance due to inadequate signage
- Increased pollution/litter
- Misrepresentation of scale and scope
- The proposal is against planning policy

Relevant policy, guidance and/or legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the purposes of this application comprises the South Derbyshire Local Plan Part 1 (LP1) adopted in June 2016 and the South Derbyshire Local Plan Part 2 (LP2) adopted in November 2017 together with the Hilton, Marston-on-Dove and Hoon Neighbourhood Plan (NP) made in November 2021.

Material considerations include, albeit not limited to, the National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG), together with South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant policies are:

South Derbyshire Local Plan – Part 1

- S1 Sustainable Growth Strategy
- S2 Presumption in Favour of Sustainable Development
- S6 Sustainable Access
- H1 Settlement Hierarchy
- E2 Other Industrial and Business Development
- E7 Rural Development
- SD1 Amenity and Environmental Quality
- SD5 Minerals Safeguarding
- BNE1 Design Excellence
- BNE3 Biodiversity
- INF2 Sustainable Transport

South Derbyshire Local Plan - Part 2

- SDT1 Settlement Boundaries and Development
- BNE5 Development in Rural Areas

Hilton, Marston-on-Dove and Hoon Neighbourhood Development Plan

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Emerging Local Plan

On 10 March 2025 the South Derbyshire Local Plan Part 1 Review was published for its period of formal representations under Regulation 19 (of the Local Plan Regulations) prior to submission to the Secretary of State (The Publication Version). This is the version of the Local Plan that the Council intends to submit for examination, and it is a material consideration in the determination of planning applications.

The weight to be attached to emerging local plans is set out in paragraph 49 of the NPPF.

With regard to paragraph 49a) the plan is at an early stage of preparation having not reached examination. In terms of 49b) there remain unresolved objections to the plan from its Regulation 18 consultation and the comments made under Regulation 19 have been reviewed with unresolved objections which were reported to Environmental and Development Services committee on 6th November 2025. The Local Plan will be submitted in the New Year. Although the plan is in general conformity with the NPPF (paragraph 49c) it has been published to benefit from the transition arrangements set out in paragraph 234 of the NPPF, meaning the Local Plan will be examined under the 2023 version of the NPPF. For all these reasons the weight to be attached to policies in the

publication version of the Local Plan is low.

Where there is any conflict between policies in the publication version of the Local Plan and existing adopted Local Plan policies the decision should be taken in line with the adopted Local Plan policies.

Paragraphs 50 and 51 of the NPPF are also relevant which clarify that refusals of permission in line with emerging policies will seldom be justified before a plan has been submitted for examination

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Residential amenity
- Highway safety and adequacy of parking provision
- Impact upon the host property and character and appearance of the area
- Biodiversity

Planning assessment

Application site

The application site consists of a portal framed agricultural building and part of the farmyard at Hoon Villa Farm, Hoon Lane, Hilton.

The site lies within a rural area. Surrounding uses include the farmhouse (Hoon Villa Farm, occupied by the owner of Carman Recovery & Transport Ltd), the applicant's agricultural buildings to the north, outbuildings and a neighbouring agricultural workers dwelling to the south and fields on the opposite side of the highway to the east. The outbuildings to the south are partly associated with the applicant's farm and partly associated with the neighbouring agricultural workers dwelling.

The egg production enterprise that operates from the premises has been scaled down in recent years leaving the portal framed building, that is the subject of this application, surplus to requirements.

The building has been rented to a business (Carman Recovery & Transport Ltd) which specialises in the recovery of broken down and accident damaged cars for a number of years. Vehicles awaiting collection are stored on part of the farmyard and are repaired in the barn.

The Site falls outside of the defined settlement boundaries as referred to in policy SDT1 and shown on the Settlement Boundary Maps in Appendix A to LP2. It does however fall within the area covered by the Hilton, Marston-on-Dove and Hoon Neighbourhood Development Plan.

Basis of application and the proposed development

Whilst no external alterations have been carried out to the building the proposals did involve a material change of use that required planning permission. This application seeks retrospective approval for the change of use from agricultural to B2/B8.

It was noted during the site visit in November 2025 that there were vehicles stored in areas of the farm that sit outside of the red line boundary submitted as part of this application. As they fall outside of the red line these areas would not benefit from this planning consent and could therefore be at risk from enforcement action.

Main Issues

Principle of development

Where an application site falls outside of a settlement boundary development plan policy SDT1 defers to policy BNE5.

Policies SD1, BNE1 and BNE5 and support development in principle where it does not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets. The development should also be of an appropriate design quality and not be unduly detrimental to the living conditions of adjoining properties.

Policy E2 of the development plan recognises that some small firms prefer alternative locations to units provided on industrial estates and choose to utilise existing buildings and premises instead. Such businesses can often be carried out quite acceptably without disturbance to adjoining land uses.

Policy E7 of the development plan supports in principle the re-use or conversion or replacement of existing buildings where:

- it is supported by a sound business case;
- ii) the local highway network is capable of accommodating the traffic generated;
- iii) development will not give rise to any undue impacts on neighbouring land;
- iv) it is well designed and of a scale commensurate with the proposed use
- v) visual intrusion and the impact on the character of the locality is minimised.

The planning statement sets out that recovery and vehicle transportation business has been operating for several years. It was previously operated from a site in Hatton. As the business expanded it outgrew those premises. Initially the business rented space in the farmyard for overspill storage. Continuing expansion led to wholesale relocation of the business to the application site in February 2023. The relocation of the business was necessary to facilitate its sustainable expansion and has helped to secure its ongoing viability.

The statement goes on to explain that application site was chosen as it was well suited to the business' needs, providing space for storage of vehicles awaiting collection on part of the farmyard, as well as a building for vehicle repairs. Initially close proximity to the principal site at Hatton was also a key benefit, although this is no longer the case.

Another reason the site was chosen was its location relative to the strategic highway network which is beneficial for the recovery aspect of the business. The supporting statement states that the business runs five recovery vehicles from the site, and employs four full time and four part time members of staff.

The site is accessed via Hoon Lane, and visibility at the point of access is good in both directions. Although Hoon Lane is relatively narrow, it is fairly straight and well sited, and there are places for vehicles to pass. The site also lies relatively close to Derby Road which provides links to the A50 and A511 which opens up to the Strategic Road Network which offers benefits to the business and its customers in terms of good road links.

The planning statement claims that there is ample space for the parking and turning of vehicles within the site and the use has not led to increased parking on the public highway. It was observed on the site visit that there is room to pull off Hoon Lane and wait outside the gates should vehicles arrive out of hours and there were no vehicles parked on Hoon Lane at the time of the visit. The County Highway Authority do not dispute any of the observations/claims regarding the site's links to the road network.

The proposal in this case is for the retention of the use of part of a building for vehicle repairs (B2) buildings and part of the existing farmyard for recovery and storage of vehicles awaiting repair/collection (B8). The change of use is already operational, which evidences the demand for this type of facility in the locality. The principle of the change of use is therefore considered acceptable under local plan policies E2 and E7.

Residential amenity

The residential farmhouse Hoon Villa Farm to the north is connected to Hoon Villa Farm operations and Hoon Ridge Manor to the south was conditioned as an agricultural workers dwelling so the occupants of these properties would expect the level of activity that would come with the changed use. The main difference from the former agricultural use would be the increased vehicular movements (considered in the section below) as the vehicle repairs themselves are not likely to generate any more noise/disturbance than farming operations within the site due to their internal location and the presence of other buildings which would further buffer any sound. The next closest dwellings are some distance to the north up Hoon Lane.

The council's Environmental Health Team have reviewed the submission and, subject to conditions, do not raise concerns regarding the proposed development in either noise or amenity considerations.

Overall, due to the layout and orientation of surrounding properties it is not considered that the proposed use would not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments therefore complies with local plan policies SD1 and BNE1(h).

Highway safety and adequacy of parking provision

The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or if the residual cumulative impacts on the road network are severe.

Local plan policy S6 ii) seeks to make the most efficient use of transport infrastructure and services by i) making best use of existing transport infrastructure and services.

Local plan policy INF2 a) i) states that Planning permission will be granted for development where:

- a) travel generated by development, including goods vehicle movement, should have no undue detrimental impact upon local amenity, the environment, highway safety, the efficiency of transport infrastructure and the efficiency and availability of public transport services; and
- b) appropriate provision is made for safe and convenient access to and within the development for pedestrians, cyclists, public transport users and the private car; and
- c) car travel generated by the development is minimised relative to the needs of the development.

The previous use of the building as an agricultural use would have resulted in large vehicles accessing the site. Whilst the proposed use would likely generate more vehicular movements it is noted that the site is within 400m of Derby Road and is a cul-de-sac serving only a few properties.

The County Highway Authority consider that the proposed development is acceptable but they noted that there are no turning facilities on Hoon Lane to the north of the site and therefore it would be beneficial if improved signage could be provided at the site access to alert visitors that they have arrived at the correct location. This would prevent vehicles from continuing along Hoon Lane and having difficulty in turning round.

Signage was discussed during the site visit in November and the business owner of Carman Recovery & Transport Ltd advised that when they first started using the site there was just a small sign on the gate saying 'Hoon Villa Farm' and a larger sign was added following complaints from residents further up the lane which reads 'Hoon Villa Farm All Enquires' with a directional arrow pointing to the site entrance. It is suggested that the addition of 'including Carman Recovery & Transport Ltd' (or words to that effect) would further help the situation.

It is also noted that the location pin on Google Maps for Carman Recovery & Transport Ltd is located further up Hoon Lane where it crosses the A50 which may be exacerbating the issue of visitors to the site missing the entrance. Whilst not within the jurisdiction of the planning system the owner of the business may wish to get this corrected.

Overall, provided improved signage is provided which will be secured by condition, the proposed use of

the site is not considered to have an unacceptable impact on highway safety, local amenity or the efficiency of transport infrastructure and does not generate car travel that would be disproportionate to the scale of the operations on the site. The proposals therefore comply with the NPPF and local plan policies S6 AND INF2.

Impact upon the host property and character and appearance of the area

No external alterations have been carried out to the building and due to the built up nature of the site the majority of the stored cars are not visible from the public realm. It is therefore considered that the proposals had no impact on the host property or character and appearance of the area and therefore accords with local plan policies BNE1 and BNE5 in this regard.

Biodiversity

Retrospective applications are exempt from mandatory Biodiversity Net Gain requirements. As the works were a change of use with only internal alterations to the structures on site it is not considered that any habitats were impacted by the development and the proposal is unlikely to have had a significant impact on biodiversity. Derbyshire Wildlife Trust have no comments or objections to make.

Representations from interested parties

Traffic and road safety concerns, infrastructure damage and directional nuisance and due to inadequate signage:

Residents feel that the narrow, single-track Hoon Lane is unsafe and unsuitable for the high volume of traffic (large recovery vehicles, trailers and customer cars) which they state leads to frequent near-misses and dangerous manoeuvres at the site access and the main road junction. They believe that the increased vehicle weight and traffic driving over soft verges is causing significant damage to the residents' private water supply pipe, which will force them to pay for expensive repairs. The poor signage, combined with inaccurate Sat Nav/postcode data, directs lost customers into the private residential area (Hoon Ridge) causing nuisance, disruption and physical damage to private property and roads.

Response: The County Highway Authority consider that the proposed development is acceptable for its location but do recognise the confusion caused by the current signage and have suggested improved signage is secured by condition. The Sat Nav/postcode data is outside the jurisdiction of the local planning authority.

Increased pollution/litter:

Residents consider that the business also poses a risk of hydrocarbon contamination/pollution due to vehicle dismantling/repair. They also state that there has been a noticeable increase in litter since the business started operating.

Response: Environmental Health have no concerns regarding the proposed use and litter is not within the remit of the local planning authority.

Misrepresentation of scale and scope

Local residents allege that the application misrepresents the scale and scope of the operation on the site. They believe it is operating as a car dealership, has more vehicles/staff than stated and operates longer hours (including weekends) than stated in the application.

Response: The local planning authority have to take the information within an application on face value although it was noted during the site visit that the extent of car storage on the site does extend beyond the area of the red line submitted. Residents say they have observed up to 15 recovery trailers rather than the four stated in the application but some of these could have been return visits or made by other recovery companies. The hours of operation and use for B2 / B8 (as described in the

documents) rather than car sales would be restricted by way of a planning condition and therefore be enforceable should these not be adhered to.

The proposal is against planning policy:

Residents are of the view that the proposed use is inconsistent with local planning policy for the rural area.

Response: As outlined in the principle section above the use is considered to comply with policy E7 Rural Employment Development.

Conclusion and planning balance

The proposal would not have a significant adverse impact on residential amenity of neighbouring properties. The proposal is deemed suitable, compliant with the aims of development plan policies, and with the Supplementary Planning Document on Design. It is considered that there are no BNG requirements. There are no material considerations that would warrant refusal of planning permission in this instance.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	19/05/2026
Report agreed:	22/05/2026
Authorised officer:	Sarah Atherton
