



Appeal Decision

Site visit made on 21 November 2011

by Leslie Coop BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 December 2011

Appeal Ref: APP/H1033/A/11/2158357

Land at Moul Farm, Eccles Fold, Whitehough, Chinley, High Peak SK23 6BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Robert McDermott against the decision of High Peak Borough Council.
 - The application Ref HPK/2010/0647, dated 21 November 2010, was approved on 11 February 2011 and planning permission was granted subject to conditions.
 - The development permitted is 3 no. black CCTV cameras and associated sign on existing pole.
 - The condition in dispute is No 2 which states that: *the cameras shall be mounted and fixed so that their field of vision is restricted to those areas hatched green, as shown on plan ref 01. The owner of the site shall demonstrate that the field of vision is restricted to the specified areas and made available to the Local Planning Authority at all reasonable times.*
 - The reason given for the condition is: *in the interests of residential amenity and in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.*
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the variation or deletion of condition No. 2 on the amenities of the living conditions of the occupiers of Garden Cottage in terms of privacy.

Reasons

3. Moul Farm and the adjoining Moul Farm Cottage are situated on the south-west side of Back Eccles Lane in the small hamlet of Eccles Fold. The hamlet lies in open countryside designated as a Special Landscape Area (SLA) in the High Peak Local Plan. The three CTV cameras have been erected on an existing telegraph pole situated on land in the appellant's ownership on the north-east side of the lane. The cameras are very small and barely visible on the pole. From this point of view, I am satisfied that they do not harm the character or appearance of the SLA.
 4. The cameras have been erected. They are fixed and are linked to a monitor within the appellant's property. Two of the cameras overlook the farm and the cottage whilst the third overlooks land in the appellant's ownership to the east
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and south east of the pole. This land is bounded to the east by the dwelling known as Garden Cottage. The boundary between this property and the appellant's land consists of hedges and trees and from my observations of the monitor, I am satisfied that at present and in its existing position, the camera causes no significant overlooking of the cottage or its small curtilage. However, trees and hedges are not permanent features in the landscape and could be removed at any time. In addition, the position of the camera, facing towards Garden Cottage is likely to be psychologically disconcerting in privacy terms for the occupiers of the cottage.

5. The appellant has suggested an alternative condition restricting the field of vision from the cameras to any object or area in any part of the appellant's property, public area and land over which he has rights or easements. The owner of the site would demonstrate that the field of vision is restricted to the specified areas and made available to the Local Planning Authority at all reasonable times. I have considered this alternative in terms of the tests set out in Circular 11/95: *The Use of Conditions in Planning Permissions*, however, I do not consider that such a condition is enforceable.
6. I sympathise with the appellant's need to safeguard his property and belongings and I accept that Garden Cottage can be overlooked to some extent from his existing property. Nevertheless, I do not find these to be sufficient reasons to overcome the loss of privacy that could occur to the occupiers of the cottage should condition No.2 be deleted or substituted as suggested by the appellant. I conclude that the appeal should be dismissed.

Leslie Coop

INSPECTOR