The Planning Inspectorate

Appeal Decision

Hearing held on 4 July 2013

Site Visit made on 4 July 2013

by D R Cullingford BA MPhil MRTPI

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

Decision date: 24 July 2013

Appeal Ref: APP/H1033/A/13/2193775
Land at 143 Manchester Road, Chapel-en-le-Frith, Derbyshire, SK23 9TN

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against the refusal to grant planning permission.
- The appeal is by Mr John McNamara against the decision of the High Peak Borough Council.
- The application (ref: HPK/2012/0669 and dated 26 November 2012) was refused by notice dated 24 January 2013.
- The development proposed is described as the 'construction of 6 no. apartments'.

Decision

1. I dismiss this appeal.

Main issues

2. From what I have heard, read and seen, I consider that this appeal turns on whether:
   i) the inability to demonstrate a 5-year supply of deliverable housing sites now warrants permission for the scheme, or
   ii) the proposal, either by itself or cumulatively, would spoil the sylvan and spacious character of the street scene.

Reasons

The site

3. The site is part of a 70m gap between the substantial dwellings set in spacious grounds at 143 and 151 Manchester Road. It is a grassed area largely surrounded by mature trees protected by a Tree Preservation Order and it contributes to the spacious sylvan setting of the large structures on the southern side of the street. Opposite, more modest suburban villas in neat gardens line the roadside. The site lies beyond the domestic curtilage of No.143 (as described in the Design and Access Statement) but is part of that property along with paddocks that sweep southwards down the gentle slopes of the Combe Valley towards the golf course. It extends to about 0.35ha with a 43m frontage behind a wide grass verge and a stone wall. It is shown on the adopted High Peak Local Plan Proposals Map (2005) as lying in the countryside beyond the 'built-up area boundary' drawn around Chapel-en-le-Frith, along with everything else on the southern side of Manchester

Road west of Marsh Hall Lane: the long 'ribbon of dwellings' opposite lies within the built-up area of the town.

The proposal

4. The submitted plans show that the scheme would entail the erection of a substantial 2 storey stone structure some 23m wide, nearly 22m deep and about 9.5m high. It would accommodate half a dozen 2-bedroom apartments, all with 'enclosed' balconies. The design of the structure would emulate that of a solid double-gabled dwelling beneath pitched slate roofs. An existing access from Manchester Road to a small stable building (just beyond the site to the south) would be widened to provide for 2-way traffic and a 'no-dig' driveway across several 'root protection areas' would link 12 parking spaces positioned to the front and side of the proposed block. Only 5 of the protected trees would be felled, either to accommodate the scheme or for arboricultural reasons, but 5 replacements are shown, 4 along the eastern boundary and one at the drive-way entrance. It is suggested that the apartments might appeal to older people wishing to 'downsize,' and a suitable condition restricting the age of prospective occupants could be imposed.

Planning policy and the main issues

5. The Development Plan currently consists of the 'saved' policies of the High Peak Local Plan adopted in 2005. A new Local Plan is emerging, but this is only at the 'preferred options' stage and the timetable has now slipped further. Also in the offing is a Neighbourhood Plan for the Parish of Chapel, but no draft has yet been published for consultation.

6. In relation to the High Peak Local Plan, policy H1 seeks to severely limit housing development on all 'green-field' sites. Hence, it does not entirely reflect the advice in the Framework (NPPF) and, as it is agreed that a 5-year supply of housing land cannot be identified, it follows that this policy (as paragraph 49 of the Framework explains) is not 'up-to-date'. If that also implies that the policy is 'out-of-date' (not quite the same thing), then the Framework advises that permission should be granted unless specific policies indicate otherwise or the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole. For the purposes of this appeal I shall assume that those tests are applicable here.

7. One of the 'core principles' of the Framework requires that the intrinsic character and beauty of the countryside should be recognised in making planning decisions. Although not listed in footnote 9 as a 'specific policy' restricting development, that list is not intended to be exhaustive; indeed, it is simply a list of 'examples'. Moreover, that 'core principle' chimes with policy OC1 of the Local Plan, which aims to protect the 'character and beauty' of the countryside by restricting development to that requiring a rural location and insisting that even qualifying schemes should not have a significant adverse impact on its character and distinctiveness. All land beyond the defined 'built-up area boundaries' (like the appeal site) is identified as 'countryside'. Similarly, the Framework advises that schemes should properly reflect local character and reinforce local distinctiveness. That advice is commensurate with policy GD4, which requires schemes to be sympathetic to the character of their surroundings and not to damage unduly the visual qualities of the locality or the wider landscape. Hence, in this case, the

presumption in favour of sustainable development (as set out in paragraph 14 of the Framework) should be balanced against the impact of the scheme on (essentially) the character of the countryside and the surroundings. Accordingly, I identify the issues outlined above.

Housing

8. It is agreed that a 5-year supply of housing land cannot be identified and although recent permissions (including those on appeal) have greatly improved the current position (from less than 2 to around 4years), a shortfall remains. The claim is that as the relevant policies for the supply of housing are not 'up-to-date', so also must other policies be undermined as a consequence of the 'knock-on' effects from the housing land shortfall. In relation to policy OC1, it is suggested, given the absence of an identifiable 5-year housing land supply and the apparent unavailability of sites within the 'built-up area boundary', that the appropriate 'next port of call' must be to search for sites (like the appeal site) on the periphery of settlements and that policy OC1 must also be considered as not 'up-to-date'.

9. I accept that the configuration of the 'built-up area boundary' around the town (a consequence of policy GD2) and the restrictions that apply beyond it (including those imposed by policy OC1) are 'relevant policies for the supply of housing'. Moreover, recent permissions (at Lower Crossings - APP/H1033/A/11/2159038 - and at Long Lane) entail housing in the countryside, so that although it is too early to take account of 'planned changes', some alteration to the 'built-up area boundary' around the town is inevitable. But, that does not necessarily condone breaching that boundary anywhere. The 'built-up area boundary' and the restrictions beyond it do not just relate to the supply of housing. On the contrary, they entail a suite of other aims and objectives relating to the natural distinction between urban and rural places, the character and pattern of particular settlements and the nature of the boundaries themselves. Consequently, I consider that the aims and objectives of such policies may well remain relevant irrespective of whether policies for the supply of housing are to be considered 'up-to-date'. Essentially the tests already identified apply and the presumption in favour of sustainable development must be balanced against the impact of the scheme on the character of the countryside and the surroundings. The 'presumption in favour of sustainable development' entails weighing the benefits of the scheme against those impacts.

10. The benefits of the scheme would entail a contribution, albeit modest, to reducing the shortfall in the 5-year housing provision. And, although the site is not in a particularly sustainable location (being about 1.2km from the town centre and similar - or greater - distances to surgeries, supermarkets and schools), it lies on good bus routes and quite close to existing bus stops. I accept that the scheme could provide apartments that might appeal to older people wishing to 'downsize' and that the imposition of suitable conditions could secure the accommodation for older, and perhaps even fairly local, occupants, thereby addressing a need identified in the SHMA (2008) and echoed both in the House of Lords report *Ready for Ageing* and in the submitted Policy Exchange pamphlet. But even that degree of control could not guarantee all the benefits identified in the submissions (additional local spending or the release of existing housing for local people). And, although the proposal would certainly result in construction jobs and the generation of a New Homes Bonus, I consider that the cumulative contribution of

all the economic and social benefits of the scheme would remain relatively modest.

The street scene

11. The scheme would result in a substantial built structure within a 70m gap between existing buildings on the south side of Manchester Road. It would thus alter the street scene, the character of the surroundings and, because the site lies within the countryside beyond the 'built-up area boundary', the appearance of this element of countryside. The question is whether those alterations would be so damaging as to prevent the proposal.

12. It is accepted that the scheme would result in some minor adverse effects on the immediate townscape. I think, however, that its effects would be more significant. Instead of a 'green space' evident behind the trees, a substantial stone façade would be seen filling over half the site frontage and confining views to the roadside. The presence and continuity of built development on the southern side of the road would be accentuated, thereby diminishing the contrast between the 'ribbon of villas' to the north and the sparse and sporadic 'mansions' to the south. The widened entrance, the surfaced section of the proposed access and the parked cars in front of the building would serve to accentuate the urbanising presence of the proposal.

13. Moreover, as my colleague observed back in 1987 in relation to a previous appeal here (T/APP/T1030/A/06/061551/P4), the whole effect of the scattered nature of the development on the southern side of the road is to present a 'pleasant well-treed approach to the town, providing a pleasant transition between the open countryside and the urban environment'. In his view, given the similarity of the gaps along the south side of Manchester Road, permission for that appeal proposal risked the loss of other plots, 'the cumulative effect of which would be to substantially change the character of the locality'. I think that the same concerns still pertain. Denoting the appeal site as 'urban' and some other gaps as 'rural' on the County Council's 'mapping portal' does not provide an adequate distinction. Indeed, the submitted landscape assessment classifies the whole of the south side of Manchester Road as within the same landscape character type (the Chapel-en-le-Frith townscape) while policy OC1 indicates that the whole of that same area is to be subject to restrictive countryside policies. In those circumstances, it seems to me that permission for this scheme could, all too easily, make it very difficult to resist similar development in other gaps here, the repetition of which would be very damaging and fundamentally alter the spacious sylvan character of this approach to the town.

14. The appeal proposal would meet none of the requirements of policy OC1; the scheme would thus contravene that policy. Similarly, for the reasons outlined above, its damaging effects would also contravene the requirements of policy GD4. Both those policies reflect current Government advice set out in the Framework. I appreciate that the loss of deciduous trees at what is now Castle Manor and the County Council's redevelopment of the care home at Whitestones has diminished the sylvan character of the street eastwards towards the town. But those works demonstrate just how easy it can be to cause such damage. The appeal scheme would not be comparable. It would maintain a sylvan setting for the building: it would not impinge on the wider landscape, as the landscape and

Visual Impact Assessment demonstrates: and, although large, the building would present a proportioned façade to the street. But, the scheme would permanently alter this paddock-like gap by the erection of a residential building presenting a large stone façade to the frontage and, for the reasons outlined above, serve as a precedent in relation to development of the remaining gaps, thereby fundamentally altering and damaging an attractive feature of the town.

Conclusion

15. I agree that the scheme should be judged on its own merits against the Development Plan and other material considerations, such as the availability of housing land. But I do not agree that the only way to prevent residential development beyond the 'built-up area boundaries' must entail the provision of sufficient housing land to meet the 5-year requirements or the adoption of an 'up-to-date' Plan. On the contrary, the tests set out in the Framework provide a means to balance the considerations that should apply. In this case, although there would be undoubted benefits associated with the scheme I consider that they would be modest. They would be significantly and demonstrably outweighed by the impact of the scheme in transforming a paddock-like gap in the countryside and accentuating the presence and continuity of built development on the southern side of the road, so damaging and fundamentally altering the spacious sylvan character of this approach to the town. The proposal would thus contravene policies OC1 and GD4 and, in spite of considering all the other matters raised, I conclude that this appeal should be dismissed.

David Cullingford
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Carl Copestake	Knights LLP
Alan Knott	John Rose Associates, Planning Consultants
Jonathan Berry	Landscape Architect, Tyler Grange LLP
John McNamara	Appellant
Christine McNamara	
Barbara Fearn	Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Jane Colley	Senior Planning Officer, High Peak Borough Council
Sue Ashcroft	Principal Planning Officer, High Peak Borough Council

FOR INTERESTED PERSONS *(all in favour of the scheme)*:

Peter Harrison	Local resident
Ken Hope	Local resident
Stephen Salley	Local resident
Will Eades	Local resident

DOCUMENTS

Document	1	List of persons present at the Hearing
Document	2	Circulation letter and list
Document	3	Update Note; slippage of emerging Local Plan and latest 5-year housing land supply
Document	4	Latest 5-year housing land supply figures and calculations
Document	5	Current major housing applications (10+ dwellings)

All other statements, submissions, plans and communications are on the file