The Planning Inspectorate

Appeal Decision

Site visit made on 18 June 2013

by Beverley Doward BSc BTP MRTPI

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

Decision date: 7 August 2013

Appeal Ref: APP/H1033/A/13/2192767
5-7 Stoneheads, Whaley Bridge, SK23 7BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Jamie Barnett against the decision of High Peak Borough Council.
- The application Ref HPK/2012/0605, dated 23 October 2012, was refused by notice dated 25 January 2013.
- The development proposed is described as the "demolition of existing workshop and garage in order to construct one dwelling and detached garage".

Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing workshop and garage and the construction of one dwelling and detached garage at 5-7 Stoneheads, Whaley Bridge, SK23 7BB in accordance with the terms of the application, Ref HPK/2012/0605, dated 23 October 2012, subject to the conditions set out at the end of this decision.

Procedural Matters

2. The site address used on the application form differs from that stated on the Council's decision notice and a different one is given on the appeal form. However, I consider the address used on the Council's decision notice to be accurate. Therefore, I have used it in the heading above and in my formal decision. I have also used the correct postcode.

3. The planning application was made in the terms given in the heading above. However, it is clear from the plans and documentation submitted with the application that permission is sought for the demolition of an existing workshop and garage and the construction of one dwelling and detached garage as referred to on the Council's decision notice. Therefore, I have used this description of development in my formal decision.

Main Issue

4. The appeal site is within the Green Belt and so the main issues in this case are:

   - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework);

   - the effect of the proposal on the openness of the Green Belt and on the character and appearance of the area; and

- if inappropriate development whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. The appeal site forms a gap between existing dwellings fronting onto the western side of Whaley Lane and within the Green Belt. Policy OC2 of the High Peak Local Plan 2005 (Local Plan) sets out the general presumption against inappropriate development in the Green Belt.

6. The National Planning Policy Framework (the Framework) indicates at paragraph 89 that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within certain specified exceptions including " *the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether in redundant or continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development".* In this respect policy OC2 of the Local Plan is not consistent with the advice in the Framework, referring only to limited infilling or redevelopment at existing major developed sites as formerly indicated by PPG2. Accordingly, I afford little weight to this element of the policy.

7. The appeal site is currently occupied by a stone built garage, a large workshop of corrugated sheet construction, a number of structures and various items of plant and equipment. The garage is not a temporary building and it would seem to me that, although somewhat dilapidated in appearance, neither is the workshop, given the uncontested evidence of the appellant that it has been in active use for over 30 years. Therefore, the appeal proposal would involve the redevelopment of a previously developed site in the Green Belt.

8. The appeal site is a neglected and unattractive infill site occupied by various buildings and structures with open fields at the rear. The proposed development would replace the buildings with a single house and garage of a similar volume. Consequently, it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Therefore, the appeal proposal would not be inappropriate development within the Green Belt.

Openness and character and appearance

9. Openness is an essential characteristic of the Green Belt. However, given my finding above that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development, it follows that the proposal would not cause material harm to the openness of the Green Belt.

10. The proposal would also result in the improvement of an unsightly site by the construction of a dwelling which would be of a similar design and scale to the adjacent house to the south and would follow the linear form of development within the streetscene. Therefore, there would be no harm to the character and appearance of the area.

Conclusion and Conditions

11. I have found that the appeal proposal would not be inappropriate development and would not materially harm the openness of the Green Belt. Accordingly, I conclude that the appeal should be allowed.

12. The Council has suggested a number of conditions which it considers would be appropriate were I minded to allow the appeal. Where necessary, I have amended, amalgamated or replaced some of the Council's suggested wording for clarity, to more closely reflect the circumstances of the appeal proposal or to reflect the advice in Circular 11/95.

13. Conditions are necessary to control the external appearance of the buildings, to ensure appropriate hard and soft landscaping is provided and to control the levels across the site and the floor levels of the proposed buildings in the interest of the character and appearance of the area. In order to maintain highway safety, conditions are required to ensure that the access into the site and the surfacing and parking/manoeuvring arrangements are satisfactory, that the proposed turning area will allow vehicles to enter and leave the site in forward gear, that there is sufficient space to allow a vehicle to pull off the road in order to open any gates into the site and that sufficient space is provided for the storage and loading/unloading of plant and materials, site accommodation and the parking/manoeuvring of vehicles requisite for the construction work.

14. Although not included in the Council's list of suggested conditions I have also had regard to the consultation response from the utility company regarding drainage and consider that a condition would be required to secure the disposal of surface water and foul sewage.

15. In addition, for the avoidance of doubt and in the interests of proper planning, a condition requiring the development to be implemented in accordance with the approved plans is necessary.

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR

Attached – schedule of conditions

CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 03.01, 03.02, 03.03, 03.04 and 02.01.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the number, sizes and species of the proposed plants, hard surfacing materials and details including the materials and height of any boundary treatment. All hard and soft landscape works shall be carried out in accordance with the approved details. No occupation of the dwelling hereby approved shall take place until the approved hard landscape works have been carried out.

5) All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation

6) Prior to the commencement of any other operations (excluding demolition/site clearance), space shall be provided within the site curtilage for the storage of plant and materials used in constructing the development, site accommodation, loading and unloading of plant and materials and the parking and manoeuvring of vehicles of site operatives and visitors in accordance with details which shall have been submitted to and approved in writing by the local planning authority and shall be so retained throughout the construction period.

7) Notwithstanding Condition 2 and any indication of the layout of the turning area to the front of the proposed dwelling given on the approved plan or in the supporting documentation, no development shall take place until details of the turning area have been submitted to and approved in writing by the local planning authority. The turning area shall be constructed in accordance with the approved details prior to the occupation of the dwelling hereby permitted and shall thereafter be made permanently available for use by vehicles.

8) Prior to the commencement of any other operations, precise details of the vehicular access, including modifications to the existing access shall be submitted to and agreed in writing by the local planning authority and the details as agreed shall be provided. Once provided the vehicular access should be retained as such thereafter.

9) No occupation of the dwelling hereby approved shall take place until precise details of the surfacing and parking/manoeuvring arrangements for the occupiers and their visitors have been submitted to and approved in writing by the local planning authority and the details as agreed have been provided and made available for use. Once provided they should be retained as such thereafter.

10) No gates erected at the access shall be positioned within 5m of the nearside highway boundary and any gates shall only open away from the highway.

11) No works in connection with the development hereby permitted shall take place on site until a measured survey of the site has been undertaken and a plan to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels from a specified bench mark has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details.

12) No building hereby permitted shall be occupied until surface water and foul drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority.