The Planning Inspectorate

Appeal Decision

Site visit made on 24 February 2014

by Jim Metcalf BSc DipTP MRTPI

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

Decision date: 25 March 2014

Appeal Ref: APP/H1033/A/13/2203363
Land at Woolley Mill Lane, Tintwistle, Glossop, Derbyshire, SK13 1ND

- 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 Stephen Kennedy against the decision of High Peak Borough Council.
- The application Ref HPK/2013/0216, dated 2 April 2013, was refused by notice dated 1 August 2013.
- The development proposed is a vehicular access and re-instate a stock proof gate on the south western tip of the land on Woolley Mill Lane.

Procedural Matter

1. The access has been formed and the gate has been erected. I have considered the appeal on this basis.

Decision

2. The appeal is allowed and planning permission is granted for a vehicular access and to re-instate a stock proof gate on the south western tip of the land on Woolley Mill Lane at Land at Woolley Mill Lane, Tintwistle, Glossop, Derbyshire SK13 1ND in accordance with the terms of the application, Ref HPK/2013/0216, dated 2 April 2013, and the plans submitted with it.

Main Issues

3. The main issues are whether the access and gate is inappropriate development in the Green Belt, and the effect on the openness and visual amenity of the Green Belt.

Reasons

4. Woolley Mill Lane is a narrow non-classified road that runs down into a valley from the A628, serving a number of houses before running though to Hollingworth. It runs though attractive countryside that is within the North West Derbyshire Green Belt. The access is at a bend in the road and, through the gate, leads into a narrow strip of sloping land between the lane and a small stream.

5. The planning application was invited by the Council because of the engineering and associated work carried out to create a vehicular access. The appellant

submits that the access already existed and the gate replaced one in place previously. I have considered the application for permission as submitted. Other associated work, including the erection of a low post and wire fence around the site and work to form a track inside the site are not subject of the application as, I assume, the Council determined permission was not required.

6. The National Planning Policy Framework (NPPF) states that inappropriate development in the Green Belt should not be approved except in very special circumstances. Certain forms of development are specifically defined as not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Development covered by this exception includes engineering operations.

7. Openness is not defined in NPPF but I regard it as meaning the absence of built development. On this basis the access and gate maintains the openness of the area along the lane. Nor does the access and gate conflict with any of the five purposes that the Green Belt serves, as set down in NPPF paragraph 80. I find that the access and gate are not inappropriate development in the Green Belt, and comply with Policy OC2 of the High Peak Local Plan (LP).

8. Gates leading into fields are found elsewhere along Woolley Mill Lane and more commonly in the countryside. The work needed to open up the access and fit the gate included some minor earthworks and cutting back the hedge. At present the work has a somewhat raw appearance, having been carried out relatively recently.

9. However, there is every likelihood that over time the hedge will grow back and the groundwork will become naturalised. The work that has been carried out is little more than what in other circumstances might have been regarded as normal maintenance. In this context I find that the access and gate do not have a significantly adverse impact on the visual amenity of the countryside along the lane and the wider Green Belt. The work is not unsympathetic to the surroundings and as such is compliant with LP Policies GD4, OC1 and OC4.

10. I have considered all other matters including the deeds and covenants relating to the site and the concern that the access is in a hazardous position. The Council did not refer to access in their reason for refusal. The Highway Authority did not object, on the basis that the access would be used on very infrequent occasions. I have no reason to disagree with this conclusion. The Council have not recommended that any conditions be added in the event that planning permission is granted. I agree that none are needed, including the normal standard condition that limits the tile available to commence development. This is unnecessary as the work has been carried out.

Jim Metcalf

INSPECTOR