The Planning Inspectorate

Appeal Decision

Site visit made on 31 March 2014

by Tom Cannon BA DIP TP MRTPI

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

Decision date: 1 May 2014

Appeal Ref: APP/H1033/A/14/2212784
4, Nithen End Farm, Long Hill, Buxton, SK17 6SO

- 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 V Garlick against the decision of High Peak Borough Council.
- The application Ref HPK/2013/0536, dated 9 September 2013, was refused by notice dated 2 December 2013.
- The development proposed is a 3 bedroom dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have provided a copy of the High Peak Local Plan 2005 inset map, which confirms the appeal site is located in the countryside, outside the Built-up Area.

3. I have considered the implications of the *Planning Practice Guidance* which was published by the Government on 6 March 2014, but it does not affect my decision in this appeal.

Main Issues

4. The main issues in this case are: (i) the effect of the proposal on the character and appearance of the countryside, with particular regard to the aims of policies concerning the location and sustainability of new housing; and (ii) whether sufficient information has been provided to adequately assess the impact on biodiversity and trees.

Reasons

Character and appearance

5. The appeal site, referred to as 4 Nithen End Farm is situated on the edge of Buxton. It occupies an elevated position set back from Manchester Road, one of the main routes into and out of the town. Immediately to the south is a former dairy building. This structure forms part of a group of buildings which together with a tin-clad shed and two dwellings positioned along the road frontage consolidate the built form to the south of the site. The appeal site extends out into the countryside, beyond this cluster of development and comprises of a redundant parcel of land.

6. The proposal would introduce a chalet style dwelling, with a reduced eaves height and steep roof pitch which would accentuate the vertical emphasis of

the property. The design and elongated footprint of the proposed dwelling would contrast sharply with the traditional design and proportions of the adjacent former dairy building, Cresta View and the former farmhouse (shippen) which form part of the group of buildings to the south of the appeal site. It's elevated position above the road, and location set forward of the former dairy building would add to its prominence from public views along Manchester Road.

7. I accept the countryside in this area although designated as a special landscape area, is not typical of that described in the Council's Moorland Fringe Landscape Character Supplementary Planning Document (SPD), adopted in 2006, in that it is less rugged and has heavier tree cover, reflecting the transition from rural to urban. Nonetheless, this does not detract from its value as a natural buffer between the wider countryside and the urban area. I also acknowledge the varied land levels provide a degree of natural screening. This could also be strengthened through additional landscaping. However, such factors, combined with the mature tree belt to the rear of the site, would not sufficiently mitigate against the visual prominence of the proposed dwelling.

8. Consequently, the appeal proposal due to its design, form and position would introduce an intrusive form of development, which would harm the character and appearance of the countryside and the special landscape area. It would therefore be contrary to saved policies GD4 and OC1 of the High Peak Local Plan 2005 (LP) which seek to protect the character and distinctiveness of the countryside by having regard to the siting, layout, form, proportions and design of new development. There would also be conflict with saved policy OC3 of the LP, which seeks to resist development if it materially detracts from the high quality of the special landscape area. These policies are broadly consistent with the core planning principles set out in the National Planning Policy Framework (the Framework) to secure high quality design, recognise the intrinsic beauty of the countryside and conserve and enhance the natural environment and valued landscapes.

9. Although part of Nithen End Farm is situated within the Built-up Area of Buxton, the appeal site, including the access and parking area is located in the countryside. Paragraph 55 of the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Isolated homes should be avoided unless there are special circumstances (those cited are not relevant to the current case).

10. Due to its proximity to Buxton, potential occupiers of the proposed dwelling could access a range of goods and services within a reasonable walking distance, via a well maintained footway, lit by street lighting. I also observed existing bus stops on either side of the carriageway on Manchester Road. This indicates the appeal site is located on a bus route, which further weighs in favour of the sustainability credentials of the proposal.

11. Having regard to the above factors, I conclude that in the context of the Framework's policies the appeal development would not provide an isolated home in the countryside and could contribute to maintaining the vitality of rural communities. However, there are three dimensions to sustainable development: economic, social and environmental. These roles are mutually dependant and should be jointly sought to achieve sustainable development.

12. I have found the appeal proposal would harm the character and appearance of the countryside, and special landscape area. It would therefore fail to fulfil the environmental role. Consequently, I find the development, to be contrary to the guiding principle of the Framework, where housing proposals should be considered in the context of the presumption in favour of sustainable development.

Biodiversity and trees

13. The site is located in an Environmentally Sensitive Area – South West Peak (ESA). The ESA covers an extensive area with its environmental value defined as a mosaic of core moorland, moorland fringe and farmed upland. In view of the sensitivity of the landscape, there is potential for the appeal proposal to impact on biodiversity. I accept that areas of land at Nithen End Farm have been degraded by building work, and the storage of equipment and materials. I also do not doubt the appellant has a good appreciation of the nature of his landholding. However, I have no detailed survey work or mitigation measures before me to confirm the development would not impact on any protected species, or their habitats.

14. Therefore, insufficient information has been provided to objectively assess the potential impact on biodiversity, or identify if such matters could be adequately mitigated by condition. As such, the development is contrary to saved policy OC8 of the LP, which seeks to protect sites of importance for nature conservation. This objective is broadly consistent with the Framework's policies to conserve and enhance biodiversity.

15. There are a number of young trees situated along the rear boundary of the site. These specimens are detached from the mature tree belt and provide limited amenity value. Due to the proposed position of the dwelling, some 6m from the rear boundary and the size of the trees the scheme is unlikely to have an adverse impact on existing trees. Consequently, the proposal would comply with saved Policy OC10 of the LP, which seeks to protect woodland and significant individual, or groups of trees. It would also be consistent with paragraph 118 of the Framework which guards against the loss of aged or veteran trees.

Other Matters

16. Reference has been made to appeal decision Ref APP/H1033/A/12/2178398 for the demolition of the existing tin-clad shed, and its replacement with two new dwellings at Nithen End Farm. In this case the Inspector concluded that the dwellings would be located within the Built-up Area between existing buildings. This reduced the impact on the adjacent countryside and special landscape area. The current appeal proposal is located entirely within the countryside. It would also extend beyond the existing group of buildings at Nithen End Farm, increasing its visual impact from the surrounding countryside. I also note the approved dwellings were of a traditional form and design and therefore complemented existing buildings on site. As such, there are clear differences between the current and previous appeals.

17. My attention has been drawn to various planning permissions granted at Nithen End Farm, and on adjoining land. The conversion of the former dairy to residential use does not involve the construction of a new build dwelling in the countryside. The replacement dwelling at Cresta View, and the former

farmhouse (shippen) which has been part demolished and refurbished are both located within the Built-up Area. As is the adjacent development site to the south-east. Consequently, these developments are not directly comparable to the appeal proposal.

18. The appellant has also referred to land on the opposite side of Manchester Road, being identified as a potential site for new housing in the emerging High Peak Local Plan (ELP). The plan provided appears to be an extract from the Council's preferred options consultation. Although the appellant implies the ELP has now been adopted, I have no evidence before me to confirm this is the case. Furthermore, land being identified elsewhere on Manchester Road for housing does not justify the appeal development.

19. Paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, which the Council has confirmed it is unable to do. However, I have found that the development is contrary to the guiding principle of the Framework, where housing proposals should be considered in the context of the presumption in favour of sustainable development. The shortfall in housing land supply in the District does not therefore outweigh such harm.

20. I note saved policy H1 of the LP seeks to give priority to new housing development on previously developed sites and sub-divisions within Built-up Areas. The appeal site is neither previously developed land or located within a Built-up Area. Nor does it comply with any of the other exceptions in H1. Therefore, the priority given, in paragraph 17 of the Framework as well as saved policy H1, does not apply in this case.

Conclusion

21. Notwithstanding my conclusions in respect of the location of the site and the impact on trees, I find material harm to the character and appearance of the countryside and the special landscape area and conflict with the aims of policies concerning the sustainability of new housing. I also have been provided with insufficient information to assess the scheme's impact on biodiversity.

22. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

T, Cannon

INSPECTOR