The Planning Inspectorate

Appeal Decision

Site visit made on 8 July 2014

by Matthew Birkinshaw BA(Hons) Msc MRTPI

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

Decision date: 6th August 2014

Appeal Ref: APP/H1033/A/14/2216843
Land off Homestead Way, Chapel-en-le-Frith, High Peak, Derbyshire, SK23 0DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs Margaret Bullen against the decision of High Peak Borough Council.
- The application Ref HPK/2013/0569, dated 9 October 2013, was refused by notice dated 16 December 2013.
- The development proposed is a residential development (2no. detached houses, each with a detached garage).

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with only access for consideration at this stage. I have therefore determined the appeal on this basis, taking into account the appearance, landscaping, layout and scale of the proposal as indicative.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal relates to a parcel of grazing land situated at the southern end of Homestead Way, just outside the settlement boundary. At present it forms part of a wider expanse of open countryside that rises up to the south and east and contributes positively to the character and appearance of the area. To the south-west, and separated by a public footpath is a detached barn conversion partially screened by mature trees.

5. In support of the scheme the appellant states that it would represent the logical 'rounding-off' of the settlement boundary. Evidence of how the urban area was defined under previous development plans has also been provided, along with information relating to how Homestead Way came to exist and the original size and shape of fields around the appeal site.

6. However, based on the plans provided and observations at my site visit, only the western corner of the site, roughly where Plot 1 is proposed, would be enclosed by the existing gardens of houses on Homestead Way, Walshaw Close and the curtilage of Warmbrook Barn. The remainder of the site would extend outwards from the urban area towards the south-east, beyond the converted barn and into an open part of the field which is only bounded by development on one side. The proposed boundary to the south of Plot 2 would also fail to follow any logical pattern, and with a gap to Warmbrook Barn would introduce a new wall into the middle of a raised and prominent corner of the site.

7. As a result, I am not connived that the scheme would represent the 'rounding-off' of the urban area. Instead, the two detached houses set within generous plots, combined with their associated garages, gardens and domestic paraphernalia would result in an undesirable urban intrusion into a raised and prominent section of open countryside. Although the overall scale of development would only be reasonably limited, it would nonetheless still be sufficient to have more than just a moderate effect and cause significant harm to the character and appearance of the immediate surrounding area.

8. Furthermore, whilst there are some larger houses at the end of Johnson Way/Beresford Avenue, the more immediate pattern of development is defined by the tight-knit suburban housing on Homestead Way and Walshaw Close. When viewed in this context two large detached houses sat within generous plots would also fail to be in keeping with their surroundings. Rather than aid the transition between the urban and rural areas the indicative scale, layout and plot ratios would therefore add to the incongruous and harmful nature of the scheme.

9. In reaching this view I appreciate that only access was submitted for approval at this stage, and that it would be taken off part of the estate road left over by the developers of Homestead Way. However, no persuasive evidence has been provided to illustrate that two dwellings could be accommodated on the site without taking development beyond any logical alignment with Warmbrook Barn and into the wider expanse of countryside that rises up from the urban area to the south and east. Similarly, given the size of the appeal site I am not convinced that the final design of the two houses would adequately reflect the locally distinctive, tight-knit, prevailing character of the area.

10. I have also considered that Warmbrook Barn is a reasonably large property set within a generous plot. However, the appeal site would be accessed off Homestead Way and separated from the converted barn by the existing public footpath and a gap along the southern site boundary. The proposal would therefore be seen in the same context as the suburban housing to the north, and not the converted barn which is also partially screened by mature trees.

11. It has also been suggested that only limited views of the proposal would be possible from the urban area, and that planting along the southern site boundary would provide effective screening. However, given the proximity of the public footpath and the layout of Homestead Way the scheme would be clearly visible within the public domain from both the north and south. Moreover, whilst no details of any planting have been provided, even with fast-growing species it is likely that a level of screening sufficient to mitigate the visual impact of two detached houses would take a significant amount of time to establish.

12. I therefore conclude that by reason of the size of the appeal site and its intrusion into an open and prominent section of countryside, combined with the indicative scale, layout and plot ratios proposed, the scheme would cause significant harm to the character and appearance of the area. Of the policies referred to by the Council *High Peak Local Plan* Policies GD4 and OC4 are the most relevant. By having a detrimental effect on the visual qualities of the locality, and failing to have appropriate regard to, or conserve the pattern and composition of field boundaries the scheme would conflict with both. These criteria are also broadly consistent with the National Planning Policy Framework ('the Framework') which requires development to recognise the intrinsic character and beauty of the countryside and seeks to promote or reinforce local distinctiveness. Consequently, the proposal also conflicts with the Framework.

Other Matters

13. In reaching my conclusion against the main issue I have taken into account the appellant's comments that the *High Peak Local Plan* and its boundaries are now time expired. Both parties also confirm that the Council do not currently have a five-year supply of deliverable housing land available and adoption of the new local plan is some way off. Paragraphs 14 and 47-49 of the Framework are therefore relevant.

14. For decision taking paragraph 14 directs granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. In achieving sustainable development the Framework also identifies three dimensions; the environmental, economic and social, which are mutually dependant and should not be undertaken in isolation.

15. With this in mind the appeal site is located on the edge of the urban area and is only roughly 750m from local shops, services and facilities in Chapel-en-le-Frith. Bus stops are also situated nearby providing access by public transport to Buxton and Whaley Bridge. As a result, potential future occupiers would not be heavily reliant upon the use of a private car. The scheme would also contribute towards much needed local housing in the context of the Framework which seeks to significantly boost supply. There are also no other site constraints or planning policy reasons given to refuse planning permission.

16. However, as only two houses are proposed, and based on the evidence provided, the contribution that the scheme would make to addressing the undersupply of housing, and its wider economic and social benefits would only be limited. It would also cause significant harm to the character and appearance of the area, and, would conflict with the Framework which requires development to recognise the intrinsic character and beauty of the countryside and seeks to promote or reinforce local distinctiveness.

17. On balance therefore, in this particular instance I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. For this reason, the proposal is not the sustainable development for which there is a presumption in favour.

18. Similarly, the appellant has provided copies of other decisions relating to the consideration of residential development elsewhere in the Borough where a similar judgement was required. This includes an appeal decision relating to the approval of planning permission for residential development in Chapel-en-le-Frith (Appeal Ref APP/H1033/A/11/2159038, dated 23 August 2012). However, this sought planning permission for 105 dwellings. In reaching a view that the contribution towards housing supply would outweigh the harm to the character and appearance of the area the circumstances facing the other Inspector were therefore materially different to the two houses before me.

19. I also note the appellant's comments that the Council has, in the past, refused planning permission for small scale development because it would add to the oversupply of housing. However, no evidence has been provided to substantiate these comments and I have not been provided with all of the relevant factors that were taken into account in each case. As a consequence, I have not given this any significant weight in reaching my decision.

20. Finally, the appellant states that the Framework permits limited infilling within villages in the Green Belt, and that the scheme would halt development going further into the countryside in the future. However, the proposal does not constitute limited infilling, is not within a village, or the Green Belt. Moreover, by virtue of the other access from Homestead Way to the north there is nothing to suggest that the scheme would prevent any future expansion into the countryside, which would also need to be considered on its own merits taking into account the relevant factors at that time.

Conclusion

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

Matthew Birkinshaw

INSPECTOR