The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2014

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 20 August 2014

Appeal Ref: APP/H1033/A/13/2204218
Part of the Shepley Mill Site, George Street, Glossop SK13 8AY

- 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 by Stephen Rimmer against the decision of High Peak Borough Council.
- The application ref. HPK/2013/0260, dated 4 May 2013, was refused by notice dated 5 August 2013.
- The development proposed comprises engineering works to derelict land; specified tree works; boundary treatments, and possible change of use to campsite (or residential).

Decision

1. The appeal is dismissed.

Preliminary matters

2. Although the development described in the application includes the possible change of use to a campsite, or residential, there are no clear proposals for either of these uses in the application material. Furthermore, the description is too vague to be able to assess what the effect of these possible uses might be, and the Council did not include them in their determination. This was an application for full planning permission, and in the context of the lack of information on these possible changes of use I am not able to consider these aspects of the proposal further.

3. The appeal site lies within the Glossop Norfolk Square Conservation Area, and I have therefore paid special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Trees on the appeal site and on land to its south and west are protected as woodlands under the High Peak Borough Council (Land at George Street, Glossop) 2011 Tree Preservation Order (TPO). The Order was made on 13 May 2011, and confirmed on 19 October 2011. The description of the woodlands in the Order is 'Trees of whatever species'.

Main Issues

5. From my inspection of the appeal site and its surroundings, and from the written representations made I consider the main issue in this appeal to be the effect of the proposals on the character and appearance of the appeal site and surroundings, and on the character and appearance of the Conservation Area.

Reasons

6. The appeal site is a wooded area of land on the western side of George Street, generally raised above street level. On the street boundary are the remains of a substantial dry grit-stone wall, as well as a timber hoarding and gate erected by the appellant. On the northern boundary is a fence of pre-cast concrete sections belonging to the owners of houses to the north of the site. There is fencing on the southern boundary, while on the western side of the site is a steep bank sloping down to other land, to which in addition to the appeal site the appellant claims adverse possession. There is also a slope down towards the fence on the northern boundary. The site itself is heavily overgrown, but it is evident that there are two large hummocks in the central area.

7. The Glossop Norfolk Square Conservation Area comprises much of the town centre as well as substantial residential areas. To the south it is bounded by Glossop Brook, alongside which are quite extensive areas of woodland – including that on the appeal site. I concur with the assessment in the Council's Conservation Area Appraisal that the contribution of planting to the character of the town centre is mainly the result of the semi-natural planting along the Brook. I consider it to be a feature of considerable importance to the make up of the Conservation Area.

8. The numerous trees on the site are a mixture of predominantly ash and sycamore, as well as a few willow trees and hawthorn. They are situated principally in dense clumps around the south-eastern corner and southern boundary, the western boundary and the north-eastern corner. Many of those in this latter group are on, or partly on the steep bank. While some of the trees are saplings or are poorly formed, there are also several handsome mature trees. This is an attractive piece of woodland, with an unmanaged character and natural appearance, and is a significant component of the planting along the northern side of the Brook.

9. The proposed works include removal of the majority of the trees on the site, leaving only an ash tree and a hawthorn on the eastern side of the site, and a clump of four trees in the north-western corner – three of which would be transplanted from elsewhere on the site. While a significant number of the trees are not of good quality, I consider their importance lies in the massing of the entire group, rather than their individual characteristics. In the absence of any specific proposals for use of the appeal site, or other justification for removal of such a large proportion of the trees, I find this part of the proposals would result in significant harm to the appearance of the site, and a loss to this important feature of the Conservation Area.

10. The harm to the Conservation Area must be regarded as less than substantial harm to this designated heritage asset, and as advised by paragraph 134 of the National Planning Policy Framework (NPPF), such harm should be weighed against the public benefits of the proposal. In this case no significant public benefits have been put forward.

11. As to the proposed engineering works, the proposals include levelling the site to a stated level related to Ordnance Datum. However, no levels were indicated on the site, and no topographical survey has been put forward. Furthermore, given that the site levels vary significantly, it could be expected that sections through the site would have been provided. In the lack of detailed information it is not reasonably possible to make any proper

assessment of the effect of the levelling works on the retained trees, or on the site boundaries.

12. The proposed re-building of the grit-stone wall on the road boundary and erection of palisade fencing on the southern boundary may well be acceptable elements of the proposals, as the Council have found. However, despite the large quantity of material submitted, there is little information as to how they would relate to proposed changes to site levels, or precautions necessary for works close to retained trees. In the interests of the proper planning of the area, and of any forthcoming and coherent proposals for the site, it would be imprudent to grant permission for these elements in isolation.

13. I conclude on the main issue that the proposals would cause significant harm to the character and appearance of the appeal site and surroundings, and to the character and appearance of the Conservation Area. The proposals would not accord with the aims of High Peak Saved Local Plan Policy OC10, which amongst other things seeks to protect woodland from whole or partial loss, and with those of Saved Local Plan Policy BC5 which seeks to protect conservation area interests. Furthermore, although the appellant claims to be acting in the interests of biodiversity, there is little to support this contention. The loss of such a significant number of trees without any substantial justification cannot be seen as sustainable in terms of the environmental dimension of sustainable development set out in paragraph 7 of the NPPF.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I consider the appeal should not succeed.

Stephen Brown

INSPECTOR