
Appeal Decision

Site visit made on 27 April 2015

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 18 May 2015

Appeal Ref: APP/H1033/W/15/3004597

Holly Farm, Briargrove Road, Birch Vale, High Peak SK22 1AY

- 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 and Mrs G Knight against the decision of High Peak Borough Council.
 - The application Ref HPK/2014/0472, dated 5 September 2014, was refused by notice dated 6 December 2014.
 - The development proposed is the demolition of existing dwelling house and various outbuildings and erection of new dwelling house with garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the application forms only refers to the demolition of the existing buildings. However, it is clear from the application form, plans and the other evidence that the development also involves the erection of a new dwelling and garage and it was on this basis that the Council determined the application. In the heading above, I have therefore used the more accurate description of development used on both the decision notice and the appeal form and it is on this basis that I have determined the appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the countryside and the special landscape area; and
 - If the proposal would be inappropriate development, whether the harm 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 it.

Reasons

Whether inappropriate development

4. The appeal site is situated within the Green Belt. Paragraphs 89 and 90 of the National Planning Policy Framework (the Framework) set out the forms of development that are not inappropriate within the Green Belt. The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces, is one of the listed exceptions.
5. Policy OC2 of the *High Peak Local Plan (adopted March 2005)* (HPLP) sets out new buildings that are acceptable in the Green Belt. This includes the replacement of existing dwellings. Policy H13 sets out the criteria for replacement dwellings in the countryside including within the Green Belt. These include that the proposed dwelling should be sited as close as practicable to the existing one and that it should not be materially larger or higher than the existing building. Although the Framework allows for the replacement of all buildings not just dwellings, the criterion within the policies that the replacement should not be materially larger is consistent with that set out in the Framework.
6. Reference has also been made to policies EQ1 and EQ3 of the *High Peak Local Plan 2014*. Whilst the initial examination for this plan was held in January 2015 it has not been concluded and needs to be re-opened at a future date. The Council have indicated that the Inspector requires modification to both these policies and that Policy EQ3 is not consistent with the Framework. In the light of this, and in accordance with paragraph 216 of the Framework, I consider that these policies should be given little weight at this stage.
7. The appeal site consists of a bungalow with a small domestic curtilage surrounding it and a number of outbuildings. Whilst some of these may have been used for domestic purposes, others appear to have been agricultural buildings, and all lie outside the immediate curtilage of the dwelling.
8. The Council have indicated that the existing dwelling on the site has a footprint of 114 sqm and that the proposed dwelling would have a footprint of 737 sqm and a floor area of 871 sqm. These figures have not been disputed by the appellants and would represent an increase in the footprint of around 646%. An increase of this scale cannot be considered to be anything other than materially larger. Consequently, the proposed scheme does not fall within the fourth bullet point exception of paragraph 89.
9. In the light of the above, I therefore conclude that the proposal would be inappropriate development, which according to paragraph 87 of the Framework is, by definition, harmful to the Green Belt.

Openness

10. Openness is an essential characteristic of the Green Belt. It can be considered as the absence of buildings or development. In addition to the demolition of the farm house itself, the proposal would remove all the other outbuildings on the site. I have not been provided with the total footprint and/or volume of all the buildings to be demolished and so cannot be certain whether or not they exceed the footprint / volume of the proposed house.

11. The replacement dwelling would occupy a similar position to the existing buildings on the site. In places it would introduce buildings on land that is currently open but it would also return some areas that are currently occupied by buildings to pasture land. The new dwelling would be surrounded by a number of paved terraces and an extensive paved entrance and garage court. Although having little or no height, they would contrast greatly with the much less formal grassed areas around many of the existing agricultural buildings.
12. It has been suggested that the design of the dwelling is such that it would only be visible from a limited number of vantage points. Be that as it may, this would affect the impact of the proposal in openness, as a lack of visibility does not in itself mean there would be no loss of openness.
13. Whilst it is not possible to precisely compare the effect on openness of one larger building and its more formal curtilage with that of several smaller buildings, from what I observed on site, I consider that the scheme would have a neutral effect on the openness of the Green Belt.
14. As well as being located within the Green Belt, the site forms part of a designated Special Landscape Area (SLA). Policies OC3 and OC4 of the HPLP requires development in such areas to respect the special qualities and character of the area particularly in relation to design, siting and landscaping. Any consideration of the impact of the proposal on the character and appearance of the countryside and the SLA is inextricably linked to the design of the proposal. This is a matter which I consider below.

Other Considerations

15. The appellants have put forward a number of other considerations which they consider would justify the proposal. These include that the scheme would increase the openness of the Green Belt through the removal of all the other existing buildings on the site. However, as indicated above, I consider that overall the scheme would have a neutral effect on openness.
16. Beyond this the other considerations relate to the design of the building. Particular reference is made paragraph 55 of the Framework which indicates that one of the special circumstances to justify isolated new homes in the countryside is that the design of the dwelling is of an exceptional quality or innovative nature. The paragraph goes on to state that such design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance the immediate setting; and be sensitive to the defining characteristics of the local area.
17. The dwelling would incorporate a wide range of measures to enable it to achieve Code for Sustainable Homes Level 5¹ and to have a net benefit in terms of carbon emissions. These include utilising ground source and air source heating, PV solar heating and a grey water recovery system. Whilst these measures are greater than are currently required by either national or local policies or regulations, in general terms the delivery of a house of this level of sustainability is no longer innovative in itself. Moreover, there is no indication that the way these features are incorporated into the dwelling, or its

¹ The Code for Sustainable Homes was withdrawn following Royal Assent of the Deregulation Act 2015 and replaced with new optional Building Regulations.

design, is particularly innovative or exceptional that would help to raise design standards.

18. The *Landscape Character Supplementary Planning Document* (adopted 2006) (SPD) identifies that the site lies within the "Settled Valley Pastures" landscape area. This is defined as a settled, pastoral farming landscape with small nucleated settlements and scattered stone farmsteads. The existing buildings on the site cannot be described as attractive and many are not in a good state of repair. Nevertheless they are mostly typical of a farmstead and what one expects to find in the open countryside. In addition, they are small scale and compact, with limited views from the surrounding roads and footpaths, apart from the footpath that passes between the outbuildings. Whilst the outbuildings in particular are clearly visible from the latter, again they are typical of what you would expect to see in an agricultural landscape.
19. The proposal would replace this collection of buildings with one large dwelling, the form, spread and scale of which would not be characteristic of buildings within this landscape area. Moreover, the design and form of the dwelling would not reflect, or be sympathetic to, the agricultural character of the surrounding area and would stand out in sharp contrast to the other houses in the area.
20. The design of the dwelling utilises the topography of the site so that it is set within the hillside. This, together with the green roof and enhanced native planting around the site would help to screen the dwelling from view and assimilate the building into the surrounding area. However, the unusual roof line and the large areas of glazing on the central atrium would be the most visible elements and together with the high solid gates on Briargrove Road, would appear alien and incongruous features.
21. I note the conclusions of the Landscape Visual Impact Assessment that the landscape can accommodate a development of this scale and character and has the potential, through the enhanced planting proposed, to offer long term benefits. Nevertheless this falls short of the requirements of paragraph 55 of the Framework of "significantly enhancing" the immediate setting.
22. Therefore, whilst the design of the dwelling is bespoke and unique, I am not persuaded that it is truly outstanding or innovative, or that it is sufficiently sensitive to the defining characteristics of the local area. Consequently, I consider that the design of the proposal would not accord with paragraph 55 of the Framework, and would be detrimental the character and appearance of the countryside and the SLA.
23. My attention has been drawn to another appeal for a new dwelling in a Green Belt location where there was also an additional landscape designation. It is suggested that many of the other locational circumstances of that appeal and this one are similar. Be that as it may, I do not have the full details of the design or the circumstances of that proposal which led to that scheme being accepted. In any case I have determined on its own merits and have concluded that in this case it would not meet the requirements of paragraph 55
24. It has been suggested that the proposed development would not act as a precedent as the design is unique to the circumstances of the site. However, I agree with the Council that the hilly landscape of the area would give rise to many sites that have similar characteristics and as a result there is the

potential for other similar dwellings to be developed elsewhere. Even if this were not the case, the fact that the development is unlikely to be a precedent, would at best be a neutral factor.

25. I note that the proposal would enable the appellants to downsize whilst remaining in the local area. However, I have not been provided with any substantive evidence to show that the appeal scheme represents the only way that this can be achieved and so I give this little weight.
26. The Bat Survey found evidence that bats currently roost within the bungalow. The proposal would provide a bat barn and bat boxes within the grounds which would provide adequate mitigation for this protected species. This, together with the support for the scheme given by local residents at the pre-application consultation event, favour the scheme.

Conclusion

27. The proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework (paragraph 88) substantial weight has been given to any harm to the Green Belt. In addition, the proposal would harm the character and appearance of the countryside and the SLA. I conclude, that taken together, the factors cited in its favour, do not outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist.
28. As a result I consider that the scheme would be contrary to the Framework and to Policies OC2, H13, OC3 and OC4 of the HPLP as outlined above. It would also conflict with Policies OC1, H11 and GD4 of the HPLP which require developments to respect the character of the area and reflect setting and local distinctiveness.

Alison Partington

INSPECTOR