

# Appeal Decision

Site visit made on 5 November 2015

**by Gary Deane BSc (Hons) DipTP MRTPI**

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

**Decision date: 10 December 2015**

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**Appeal Ref: APP/H1033/W/15/3130725**

**Land off Bings Road, Whaley Bridge, Derbyshire SK23 7ND**

- 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 Mr Paul Smith against the decision of High Peak Borough Council.
  - The application Ref HPK/2014/0648, dated 12 December 2014, was refused by notice dated 22 May 2015.
  - The development proposed is the erection of a detached dwelling (dormer bungalow).
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## Decision

1. The appeal is dismissed.

## Procedural matters

2. The application was submitted in outline with all matters reserved for future approval except access. I have assessed the proposal on that basis. A site plan also accompanies the proposal. It shows a single dwelling with parking to one side and access from Bings Road. Apart from the proposed access arrangements, I have treated this plan as being for illustrative purposes only.
3. Reference is made to the emerging draft High Peak Local Plan (draft LP). As this Plan is still in draft form and may be subject to modification, its policies may change prior to adoption. Therefore, I attach limited weight to the draft LP for the purpose of this appeal.

## Main Issues

4. The site is located within the Green Belt, a Special Landscape Area (SLA) and the Whaley Bridge Conservation Area (CA). The main issues are:
    - whether or not the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
    - the effect of the proposal on the openness of the Green Belt and the purposes for including land within it;
    - the effect of the proposal on the character and appearance of the local area; and
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- if it is 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 the development.

## **Reasons**

5. The site forms part of a larger field that is located close to a row of residential properties along Bings Road, beyond the defined built up area of Whaley Bridge and thus within the countryside. The proposal is to erect a detached dwelling on the site, which is described as a dormer bungalow.

### *Whether or not the proposal is inappropriate development in the Green Belt*

6. The Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate except for the circumstances set out in paragraph 89. Among the exceptions listed in this paragraph are limited infilling in villages; buildings for agriculture and forestry; and the provision of appropriate facilities for recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The corresponding list in Policy OC2 of the Council's High Peak Saved Local Plan Policies (LP) is different and so it is not fully consistent with the Framework. For the purpose of this appeal, I have attached greater weight to paragraph 89 of the Framework, as it is current national guidance.
7. Although there is housing on the opposite side of Bings Road and buildings further to the west and southwest of the site, the appellant's opinion that the proposal would be an infill development within the curtilage of the village is, to my mind, overstated. The site is open on three sides. On the fourth side, a dense belt of trees and a road separate the site from existing development. Consequently, it cannot reasonably be described as an infill opportunity, which is normally taken to be the development of a modest sized gap for a small number of dwellings in an otherwise substantially built-up frontage that is often broadly linear in formation. Moreover, as an open field, the site clearly forms part of the landscape that is beyond the main built up area.
8. The appellant has referred to the businesses that operate from the site, which include the rearing of alpacas, cultivation of Christmas trees, and the management of a campsite and the logging of trees. While I no reason to doubt the costs of operating some of these businesses, I am not persuaded on the evidence before me that the new dwelling is needed to support these activities. None of the other circumstances listed in paragraph 89 of the Framework or within LP Policy OC2 would apply in this instance.
9. On this first issue, I conclude that the proposal amounts to inappropriate development, which is, by definition, harmful to the Green Belt. Accordingly, it conflicts with the Framework and LP Policy OC2. It is also contrary to draft LP Policies S6 and EQ3, which note that inappropriate development in the Green Belt that is not in accordance with the Framework will be resisted.

### *Openness of the Green Belt and the purposes for including land within it*

10. An essential characteristic of Green Belts is their openness. The concept of openness is largely based on the physical presence of new built form rather

than its visibility. By introducing new built form into a largely undeveloped area the openness of the Green Belt would be reduced. Given the scale of development envisaged, that reduction would be significant and greater than the existing use of the site. Furthermore, by intruding into an area free of built development, the proposal would conflict with a purpose of the Green Belt, which is to assist in safeguarding the countryside from encroachment.

11. Therefore, I conclude on this second issue that the proposal would unduly erode the openness of the Green Belt and conflict with a purpose for including land within it. Therefore, it is contrary to LP Policy OC2 and the Framework. It is also at odds with draft LP Policies S6 and EQ3.

#### *Character and appearance*

12. That part of the SLA to which the site belongs derives its significance as a designated area of landscape and scenic beauty from the attractive, undulating landform, woods, stone boundary walls and open fields. These features also characterise this part of the CA and positively contribute to its predominantly rural character and appearance and the landscape setting of Whaley Bridge.
13. The introduction of a new dwelling at this location would bring about a significant and adverse change to the openness of the site as well as making a large built statement within the landscape. It would transform its rural character from a pleasant area of largely open undeveloped land to one occupied by a dwelling where people would live and visit. The appeal scheme is likely to be largely screened from public view by the mature vegetation that surrounds much of the field to which the site belongs. Even so, by erecting a new dwelling on undeveloped land the proposal would seriously erode the intrinsic rural character of the SLA, to its detriment. For the same reason, the proposal would not preserve or enhance the character or appearance of the CA.
14. The appearance, scale, layout and landscaping of the new development could, to some extent, mitigate the visual impact of the scheme. These are matters reserved for subsequent approval. However, the new dwelling would occupy land that is largely undeveloped and I consider that the presence of the new built form would be materially harmful notwithstanding detailed design considerations including additional planting.
15. On this third issue, I conclude that the proposal would seriously harm the character and appearance of the local area. Accordingly, it is contrary to LP Policies BC5, GD4, OC1 and OC3. These policies broadly aim to safeguard the countryside generally and designated landscapes and conservation areas in particular. Draft LP Policies EQ2, EQ3, EQ5 and EQ6 broadly echo these objectives, with which the proposal would also conflict. The appeal scheme is also at odds with the Framework, which states that planning should contribute to conserving and enhancing the natural environment and conservation areas.

#### *Other considerations*

16. The Framework states that substantial weight is to be given to any harm to the Green Belt, advising that inappropriate development should not be approved except in very special circumstances. Such circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

17. Paragraph 47 of the Framework notes that local planning authorities should boost significantly the supply of housing. I have carefully considered the press reports of various developments and release of Green Belt land across the country to which the appellant has referred. I also note that the Leader of the Council has also acknowledged the potential need for green field residential development in the Borough. In this case, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites. Therefore, the need for more housing carries significant weight in support of the appellant's case.
18. The new development would add to the choice of new housing and contribute to the local economy especially during the construction phase. I have no reason to doubt that the completed development would achieve a high standard of design and that it would be an energy efficient building. The appellant also states that the site is well connected to public transport. These considerations lend support to the sustainability credentials of the proposal. However, sustainability also has an environmental dimension. Recognition of the intrinsic character and beauty of the countryside is a core principle of the Framework. Taking the economic, social and environmental aspects of the proposal into account, and reading the Framework as a whole, I am unable to conclude that the proposal is a sustainable form of development. As such, I attach no more than limited weight to those benefits of the appeal scheme to the appellant has referred.
19. The new addition would be set back from, and at a lower level to, the road, largely behind trees. As such, it would be inconspicuous in the local street scene. Trees and other vegetation broadly to the north would also screen the proposal in views from this direction. However, the most important attribute of Green Belts is openness and this is not directly related to visibility. The proposal would impact on openness by contributing to its erosion. I give this consideration moderate weight in favour of the appeal.
20. That the appellant has carried out works including planting and reconstruction of large dry stonewalls are acknowledged and the campsite, when used, would contribute to tourism and the local economy. However, for the reasons given, I find no compelling evidence that a new dwelling is needed at this location to support these activities. Therefore, I attach a small amount of weight to these considerations in support of the appellant's case.
21. Reference made to the Council's decision to approve a new dwelling in the Green Belt at Chinley and for the residential development of a green field site at Macclesfield Road, Whaley Bridge. Details are also given of an amendment the Green Belt boundary to exclude an area of land at Furness Vale. From the information provided there are, it seems to me, notable differences in the particular characteristics of these cases that effectively preclude any direct comparison with the proposal. In any event, each development should be assessed on its own merits, as I have done. Therefore, I attach negligible weight to these cases in favour of the appeal.

## **Conclusion**

22. The proposal would be an inappropriate form of development in the Green Belt. It would reduce the openness of the Green Belt and undermine a purpose for including land within it. It would also fail to preserve or enhance the character

or appearance of the CA and materially harm the character and appearance of the SLA. I attach substantial weight to each of these identified harms. The other considerations carry no more than significant weight.

23. Therefore, on balance, there are no considerations sufficient to clearly outweigh the harm to the Green Belt and so there are no very special circumstances to justify the development. Accordingly, the appeal is dismissed.

*Gary Deane*

INSPECTOR