



## Appeal Decision

Site visit made on 2 February 2016

by **A U Ghafoor BSc (Hons) MA MRTPI**

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

Decision date: 25 February 2016

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**Appeal Ref: APP/H1033/W/15/3134727**

**Clough Bank Farm, Brookbottom, New Mills, Derbyshire SK22 3AY**

- 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 Mrs M Davies against the decision of High Peak Borough Council.
  - The application Ref HPK/2015/0047, dated 18 March 2015, was refused by notice dated 26 May 2015.
  - The development proposed is extension of an existing vehicular hard standing.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. The application for planning permission was made retrospectively. There is some confusion as to whether new hard standings have been laid or an existing area extended. The submitted documents indicate the development comprises extension of existing hard surfaced area. I shall proceed on this basis.

### Main Issues

3. The site is situated in the Green Belt, Special Landscape Area, and Brookbottom Conservation Area (CA). Against this background, I consider the main issues are:
  - Firstly, whether the development constitutes inappropriate development in the Green Belt,
  - Secondly, whether the development preserves or enhances the character or appearance of the CA, and
  - Thirdly whether the harm by reason of inappropriateness and any other harm arising from the above issues are clearly outweighed by other considerations and, if so, whether there exist very special circumstances that justify the granting of planning permission.

### Planning policy

4. The development plan comprises certain policies of the High Peak Local Plan, adopted in 2005, subsequently saved by Direction made by the Secretary of State. The saved policies are now part of the High Peak Saved Local Plan Policies 2008 (LP). Paragraph 215 records that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. I find no significant conflict with the Framework in respect of the development plan policies cited in this case and, accordingly, will give them full weight insofar as they are relevant to the appeal schemes.
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5. The High Peak Local Plan was submitted for examination, along with a list of suggested minor modifications to the Secretary of State on 28th August 2014. The examination into the emerging Local Plan began on 13 January 2015. A Hearing was held on 3 September 2015 to discuss the implications of household projections. Examination can proceed to consultation on the main modifications. The Council state that limited or no objections have been made to emerging policies policy EQ 2 and EQ 3, EQ 5 and EQ 6. But the emerging local plan is yet to be found sound and might change in the future. I attach limited weight to this emerging Local Plan for the purposes of this appeal.

## **Reasons**

### Inappropriate development

6. LP Policy OC1 relates to development in the countryside. Policy OC2 relates to proposals inside the Green Belt. Approval will not be granted except in very special circumstances for the construction of new buildings for purposes other than certain types of development. Other development, including material change of use of land, will only be permitted where it maintains openness and does not conflict with the purposes of designating land in the Green Belt. It follows the same path as national policy found in paragraphs 89 – 90 to the National Planning Policy Framework.
7. Clough Bank Farm is about 3 ha in size. The main dwelling and farm buildings are accessed via a 'D-shaped' loop road layout, which is formed by an undulating single carriageway and comprises of an unmade track. It meets up with the New Mills Byway Open to All Traffic no. 76, which runs along the south eastern boundary of the site. The Appellant maintains that the previous hard standing was 11.5 square metres and it is now around 16 sqm; an increase of some 4.5 sqm. The argument is that the extension of the hard standing, which is now the subject of this appeal, involves an engineering operation falling within paragraph 90 of the Framework.
8. Openness is identified as one of the essential characteristics of Green Belts. Certainly, it is eroded by any item of substantial size, such as hard standing, by simple reason of the fact that it covers land, irrespective of its visual prominence. The extended hard standing facilitates the use of the area for open-air parking of vehicles making it likely that it would be used more intensively for car parking purposes. In my opinion, the openness of the Green Belt is thus harmed more than it might otherwise be due to the extended size of the hard standing. There is a recognisable loss of openness of the Green Belt because of the extent of the hard standing. By virtue of the hard standing's location, the development harms openness. Additionally, the development intrudes into this part of the Green Belt due to the positioning and location of the surfaced area. It conflicts with the objective of safeguarding the countryside from encroachment; that is a serious planning objection. For all of these reasons, I conclude that the scheme constitutes inappropriate development in the Green Belt.

### Character and appearance

9. LP policy BC5 relates to development in CAs and the setting of these heritage assets. The purpose is to ensure that development preserves or enhances the character or appearance of the CA or its setting. These objectives are consistent with advice found in section 12, *conserving and enhancing the historic environment*, to the Framework.
10. The special historic and architectural interest of the CA is derived from the architectural style of 18 and 19<sup>th</sup> Century traditional stone buildings, a number of

which are listed buildings<sup>1</sup>. Brookbottom is a small hamlet and the surrounding area is resolutely rural in character. The area falls within the Settled Valley Landscape Character type<sup>2</sup>. In my assessment, the attractive countryside surrounding the hamlet makes a significant visual contribution to the setting of the CA, and the undeveloped and open nature of higher fields reinforces its special interest.

11. The Appellant considers that the development is unobtrusive, that the hard standing is enclosed by existing boundary features and has been constructed in traditional limestone chippings. That it roughly runs at the same level or slightly lower than adjacent fields. However, I consider that the nature of the development considerably changes the physical appearance of the site. The hard standing is visible from various public vantages including the public footpath. It forms an unacceptable visual incursion unrelated to the host dwelling or countryside, because of its scale.
12. I consider that the development has an unacceptable urbanising effect due to the hard standing's size. It is an alien feature and appears out of keeping in this rural location. The extent and amount of paved area fails to respond to locally distinctive features, such as the open and undeveloped nature of this rural landscape. The physical location and setting of the hard standing does not protect important natural features that positively contribute to the special architectural and historic interest of the CA.
13. Having regard to the desirability of preserving or enhancing the character or appearance of the CA, I conclude that the development harms, and thus does not preserve, the character or appearance of the CA. The development conflicts with LP policy BC5, OC1 and OC3.

#### Other considerations

14. The Appellant states access from the existing driveway via the village is very difficult during winter, and photographic evidence of the land's condition at these times has been submitted. The argument is that there is a need to provide essential, suitable and alternative access and parking area for the winter period. This is, however, not a good argument to justify the development because it has a harmful visual effect in this particular isolated rural location.
15. The Appellant argues that hard standing can be constructed by virtue of permitted development (PD) rights set out in Part 6, Class A and Class B(e) to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). In comparison to what can be constructed as PD, the argument is that the scale and function of the extended area of hard standing is limited.
16. Class A relates to the carrying out on agricultural land comprised in an agricultural unit of 5 ha or more in area of works for the erection, extension or alteration of a building or any excavation or engineering operations. Class B relates to the carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 ha in area of development consisting of the provision of a hard surface where the development is reasonably necessary for the purposes of agriculture within the unit. These PD rights are subject to conditions and limitations. Paragraph D.1, interpretation, states 'agricultural land' means land which is in use for agriculture and is so used for the purposes of a trade or business. Agricultural unit means agricultural land which is occupied as a unit for the purposes of agriculture.

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<sup>1</sup> Taken from Design and Conservation Officer's consultation reply to the planning application, dated 7/5/2015.

<sup>2</sup> Local Development Framework *Landscape Character Supplementary Planning Document SPD5* March 2006.

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17. The Appellant's own evidence casts some doubt as to whether or not the hard surface is reasonably necessary for the purposes of agriculture, because the hard standing is required for alternative access and vehicle parking in connection with the residential use of Clough Bank Farm; there is no evidence to suggest that the area is used in connection with agriculture. Additionally, there is a lack of information showing how the land is used in connection with a trade or business or that the land is part of an agricultural unit. Furthermore, there is no evidence to show that there is greater than theoretical possibility of this fallback being established in practice. I attach limited weight to this argument.

### ***The overall balance***

18. In the light of the above, I have found the development causes harm to the Green Belt by reason of inappropriateness, in accordance with current national policy, and that this carries substantial weight. Further harm to the openness of the Green Belt also carries substantial weight.
19. Considerable importance and weight is given to the desirability of preserving or enhancing the character or appearance of the CA. I have found that the subject development conflicts with the design and historic environment protection aims of local planning policy. In the terms of the Framework, the harm caused to the CA is less than substantial nevertheless there is real and serious harm. An alternative hard surfaced parking area and access would be beneficial, but the convenience afforded is a personal advantage for the Appellant rather than a public benefit. I attach limited weight to the potential fallback position.
20. On balance, the considerations advanced by the Appellant in support of granting planning permission, whether taken individually or cumulatively, do not clearly outweigh the inappropriate nature of the development in the Green Belt and the other identified harm stated above.
21. Consequently, the very special circumstances necessary to justify the development do not exist in this case.
22. Accordingly, the development conflicts with LP policies OC1, OC2, OC3 and BC5.

### **Conclusion**

23. For the reasons given above and having considered all other matters including the justification and impact statement, I conclude that the appeal should not succeed.

*A U Ghafoor*

Inspector