
10th February 2017

Land adjacent to Brown
Edge Close, Buxton,
Derbyshire SK17 7AF

Landscape Evidence
by

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Appeal by Glennmark Trading Ltd

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Tyler Grange

Volume 1: Text

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Section 1: Introduction

Witness

- 1.1 My name is Jonathan Berry, I am a founding partner of Tyler Grange LLP and I specialise in landscape and visual planning issues associated with development and change.

Qualifications

- 1.2 I hold a BA (Hons) degree in Landscape Architecture and a Post Graduate diploma in Landscape Architecture from the University of Gloucestershire. I am a Chartered Member of the Landscape Institute (LI), an Associate of the Institute of Environmental Management and Assessment (IEMA) and a Professional Member of the Arboricultural Association (AA).

Professional Practice

- 1.3 I started my career in 1998 as a landscape consultant at Countryside Planning and Management Ltd (CPM). By 2006 I was a Regional Director of Waterman CPM, responsible for all landscape planning and arboricultural projects in the North of the Country. I along with three colleagues formed Tyler Grange LLP in January 2010.
- 1.4 I have been appointed by developers, local objection groups and public authorities to provide professional landscape and visual planning advice on a variety of projects, including major housing allocations, agricultural diversification schemes, open space appraisals, historic building conversions, tall building assessments and windfarm proposals. I have given evidence at numerous planning Inquiries during the last 19 years.
- 1.5 More specifically, I have spent the majority of my professional career to-date involved in the assessment of landscape and visual effects in relation to residential development at urban/rural fringe locations.
- 1.6 The evidence I have prepared here represents my professional opinion on the objective and subjective aspects landscape impact assessment. Based on my knowledge, I believe the facts stated in this evidence are true, accurate and have been prepared in accordance with the guidance of my professional institution



Instruction

- 1.7 Tyler Grange LLP was instructed in May 2015 to prepare a Landscape and Visual Impact Assessment (LVIA) to accompany the outline planning application (Application Ref: HPK/2015/0471). This work was completed in accordance with published professional guidance and submitted to the Council in August 2015. No criticism has been made by the Council in the Statement of Case as to the rigour or acceptability of the submitted LVIA. The Committee Report clearly demonstrates that no issue was taken with this material and the judgements made; and, it was relied upon in determining the planning application.
- 1.8 Three professional members of Tyler Grange LLP's landscape team¹ worked on the preparation of the LVIA for the planning submission. I assisted with the preparation with the original application material and have subsequently re-acquainted myself with the Appeal Site and surroundings. The Appeal Site location and topographical context is illustrated on **Plan 1**.

Reason for Refusal

- 1.9 A Decision Notice was issued refusing planning permission on 23rd February 2016 for two reasons, of which the first is relevant to landscape and visual matters (**Appendix 1 CD 1.1**):

"1. The proposed development would be visually intrusive in the landscape and fails to respect local landscape character. The development would result in an undesirable expansion and encroachment, outside of the built up area boundary for Buxton, into the open countryside. As such the development would erode the visual appearance and character of the open countryside contrary to Policies H1, OC1, OC3, OC4, GD4 and H11 of the Adopted High Peak Local Plan Saved Policies 2008, policies H1, S7, EQ2, EQ3 and EQ5 of the Emerging Local Plan and advice contained within the adopted Landscape Character Assessment Supplementary Planning Guidance March 2006. The harm caused to the environmental dimension of sustainable development outweighs any social and economic benefits of the scheme and therefore the proposal does not represent sustainable development."

Consultation & Officer Report

- 1.10 During the determination period, the appellant team met with Planning Officers Faye Plant and Jane Colley on 25th November 2015. Concerns were expressed at this meeting with regard to the visual impact of the proposed development on the open countryside. In direct response, a number of amendments were made to the proposals intended to address these concerns. The amendments included the following:

¹ One Chartered Landscape Architect (CMLI) and two Licentiates (LMLI)



1. A change in house types on plots 3, 4, 6 and 7 to remove the 3.5 storey dwellings completely and increase the number of 3 bedroom dwellings on the Site. The mix of dwellings proposed was altered to comprise 5 x 2 bedroom dwellings, 5 x 3 bedroom dwellings and 10 x 4 bedroom dwellings.
 2. The removal of what was previously plot 8 completely (the most northerly). This was replaced with a landscape buffer running alongside plot 9 and providing a softer and definitive north-eastern edge to the scheme.
 3. Plot 9 was re-configured and replaced with 3 further affordable homes to ensure that all 6 affordable units are provided on site.
 4. The redesign of the affordable plots A1 to A3 to ensure there are no habitable windows overlooking adjacent gardens.
- 1.11 The Planning Officer stated by email dated 22nd December 2015 that notwithstanding the revised information, she still had concerns regarding landscape impact though no specific detail was provided (see email response contained at **Appendix 2**).
- 1.12 Contact between the County Landscape Architect and Tyler Grange prior to the submission of the planning application in order to seek agreement on the scope of the landscape and visual impact assessment undertaken and to discuss the suitability of the scheme proposals, highlighted that the County Landscape Architect was not familiar with the scheme but had instead provided the Council's Planning Officers with a preliminary response based on historical planning applications related to the Appeal Site. This consultation also indicated that there was no formal agreement in place between Derbyshire County Council and High Peak Council to provide landscape consultation responses on applications at the time the application was made.
- 1.13 Despite the lack of a professionally qualified objective response on landscape matters, the Council proceeded to rely upon the views of the County Landscape Architect within the Committee Report.
- 1.14 In light of the above, advice was sought from Counsel and legal representations were made to the Council highlighting the concerns of the appellant that the application had not been treated appropriately with regards to issues of character, appearance and landscape impact. The application was deferred to enable Officers to respond to this advice; however, the application was presented to Committee in February 2016, again with the same recommendation for refusal on landscape grounds without the Council taking any additional landscape advice.
- 1.15 The Committee Report is attached at **Appendix 3 CD 1.3**. Within the Officer's Report, a consultation response from the Derbyshire County Council Landscape Architect is included, which states:

"Comments on original plans - The site is visible in longer range views particularly from the A6 and the topography of the site does make it more prominent and particularly difficult to develop. I note the application is for outline permission, although it suggests that development will be a mix of 2 and 3½ storey properties. Although the applicant



makes the case that existing development along Brown Edge Road is a mix of house styles, I don't believe that any of these houses set a precedent for 3½ storey buildings, which will appear much more visually prominent particularly in these longer distance views."

1.16 As already stated, this response clearly indicates that the scheme revisions had not been taken into account by the County Landscape Architect, despite these changes being specifically made in order to address the concerns of the Planning Officers with regards to perceived visual impact. No reasoning is given as to why the revised scheme was not considered and as such, an informed decision on the revised scheme has not been made by a professionally qualified Landscape Architect, nor reported accurately to the Council's Committee.

1.17 The Committee Report sets out that the Planning Officer concludes that the proposed development would not comply with Policy H1 due to it leading to a prominent intrusion into the countryside, and that it would also not comply with Policies OC1 and OC4 of the High Peak Saved Local Plan (now superseded) and Policies EQ2 and EQ3 of the emerging Local Plan (now adopted). The reasons given for the non-compliance with these policies include landscape matters which can be summarised as:

1. The Council do not consider the Appeal Site to be surrounded on all sides by development or proposed development. With regards to the allocated land to the south-east of the Appeal Site, the Planning Officer states within the Committee Report that due to the allocated land not being visible from the A6 or the Peak District, and part of the allocation being proposed for recreational use, that therefore:

"The applicant's conclusions as to where the natural edge of the settlement lies is therefore disputed. It is the development of these allocated sites, rather than that of the application site, which would form the clear boundary between the built up area and the countryside to the north."

The Appeal Site lies adjacent to the open countryside to the north-east beyond the residential development of Lowcroft on the northern Site boundary, and beyond the railway line to the east. Despite these delineating urban features providing a boundary between the Appeal Site and the open countryside, the Planning Officer concludes that *"The site is clearly distinct from the surrounding urban area and represents the beginnings of the swathe of open countryside to the north of Buxton"*.

2. The Planning Officer considers that the Indicative Layout offers little scope for soft landscaping on site and as such concludes that *"This therefore would clearly have a far greater adverse effect on the landscape character of the application site and adjacent countryside than is suggested by the applicant"*.



3. The Planning Officer agrees with the findings of the LVIA that the Appeal Site is visible from the A6 and considers that the findings of the Wardell Armstrong 2014 'Landscape Impact Assessment' conclude that these views are important due to it stating:

"Land to the north is extremely open, elevated and visually prominent, Development would have a high impact on the setting of the National Park. The approach into Buxton along the A6 is considered unsuitable for development due to its importance for the setting and character of the settlement."

The Planning Officer considers this statement to mean that *"this advice clearly precludes the possibility of any development taking place on the application site"*.

4. The Planning Officer considers the existing adjacent development at Brown Edge Close to be "clearly visible and obtrusive in the landscape from this location" and therefore that "any additional houses would be even more visible in the surrounding countryside".
5. The new development off Brown Edge Close is at odds with the prevailing character of Brown Edge Road which has a linear layout and where properties are semi-detached dwellings with simple detailing. The Planning Officer states that the Brown Edge Close properties are *"visually separate from the surrounding properties"*. The Planning Officer also states that *"Although the plans are indicative at this stage, taken as a whole, the development will be overly dominant in the landscape by reason of the scale and form of the indicative development"*.

1.18 I deal with my consideration of these reasons with Section 4 of my evidence.

1.19 I am instructed to address those landscape and visual matters as identified in the Decision Notice and at paragraphs 3.3.6 through to paragraph 3.1.7 of the Council's Statement of Case (**CD 4.3**). I do so through analysis of a number of propositions in Section 4 of this volume of my evidence. In respect of the other reasons for refusal and issues associated with policy context, planning balance, and housing supply I defer to the evidence and expertise of Caroline Payne and Ben Pycroft.

Scope of Evidence

- 1.20 In order to prepare my evidence for this inquiry I have undertaken the following tasks:
- i. Review of the Proposed Development Layout, Landscape and Visual Impact Assessment (LVIA) and Landscape Strategy proposals;
 - ii. Discussions with members of the Tyler Grange LLP landscape team previously involved with this project;
 - iii. Review of the Committee Report;



- iv. Review of the relevant policies referenced in the Reason for Refusal;
 - v. Site Visits; and
 - vi. Review of the Council's published Landscape Character Assessments as relevant to the Appeal Site.
- 1.21 Within my evidence, where appropriate, I make reference to published best practice guidance for considering landscape and visual matters as appropriate, this comprises:
- i. Guidance for Landscape and Visual Impact Assessment, third edition, LI and IEMA, 2013 (GLVIA 3) (**Appendix 4**); and
 - ii. An Approach to Landscape Character Assessment, Natural England, October 2014 (**Appendix 5**).
- 1.22 My evidence will be structured as follows:

Volume 1 - Text

Section 1: Introduction;

Section 2: Policy Context;

Section 3: The Landscape and Visual Character of the Site;

Section 4: Effects of the Development and Analysis of the Reasons for Refusal

Section 5: Summary and Conclusion.

Volume 2 – Appendices, Plans and Photoviewpoints



Section 2: Policy Context

- 2.1 This section of my evidence addresses the relevant policies cited in the Decision Notice and the Council's Statement of Case with consideration of landscape matters. The evidence of Caroline Payne sets out the planning history, current planning context as a whole, the weight to be applied to the adopted policies and the planning balance that needs to be made in respect of this appeal.

Landscape Policy Issues

National Planning Policy Framework (NPPF)

- 2.2 I understand that the NPPF should be read as a whole to appreciate the context of the Government's national planning policy. The Decision Notice cites the following paragraphs and sections:
- Section 4 – Promoting sustainable transport
 - Section 6 – Delivering a wide range of high quality homes
 - Section 7 – Requiring good design
 - Section 8 – Promoting healthy communities
 - Section 10 – Meeting the challenge of climate change, flooding and coastal change
 - Section 11 – Conserving and enhancing the natural environment
 - Paragraph 17 – Core planning principles
- 2.3 Of those cited, Paragraph 17, Section 7 and Section 11 are relevant to landscape considerations in respect of the Appeal Site. I have highlighted below how these sections, and the NPPF as a whole, are relevant.
- 2.4 Paragraph 17 of the NPPF sets out 12 principles to underpin decision-taking, of relevance to the undeveloped landscape are the 5th and 7th bullet points. These points seek to recognise the intrinsic character and beauty of the countryside and the need to contribute to conserving and enhancing the natural environment.
- 2.5 Notwithstanding the need to read the NPPF as a whole, there are clearly limited matters in dispute for this appeal and these relate to the landscape and visual effects.
- 2.6 Although not cited as a reason for refusal, as a point of fact the Appeal Site is not directly covered by specific policies or designations as listed in the NPPF paragraph 14, footnote 9, which indicates that development should be restricted within the following locations:

- SSSI;
- Green Belt;
- Local Green Space;
- Area of Outstanding Natural Beauty;
- Heritage Coast; and
- National Park.

2.7 Section 7 of the NPPF sets out that local planning policies and decisions should aim to ensure developments respond to local character and “*reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*”. The local landscape character of the Appeal Site and its surroundings is set out in Section 3 of my evidence, and the impact the development would have on this landscape is set out in Section 4.

2.8 Section 11 of the NPPF specifically sets out the policy framework for conservation of the natural environment. The first paragraph in this section (Paragraph 109) seeks to protect and enhance ‘valued landscapes’. I have satisfied myself that whilst the Appeal Site may contain features considered to make it ‘locally valuable’, it does not represent anything rare or unique and does not contain specific or notable qualities that define the character of the area or take it out of the ordinary. This isn’t part of the Council’s case or stated within the reason for refusal.

2.9 Overall the appeal proposals do not conflict with the requirements of the NPPF in respect of the primary landscape issues with which national policy is concerned.

The High Peak Local Plan (Adopted April 2016)

2.10 **Policy H1** is cited in the Decision Notice (then a draft policy) and the Council’s Statement of Case, with specific reference to the landscape matters set out in the second bullet point of this policy which states:

“the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside”

2.11 I address the issue of pattern of development, prominence, intrusion and impact on the character of the countryside in Section 4 of my evidence.

2.12 **Policy EQ2** is cited in the Decision Notice (then a draft policy) and the Council’s Statement of Case, with reference to the development being detrimental to the visual characteristics of the wider landscape. I address the issue of visual impact of the development on the wider landscape within Section 4 of my evidence.

- 2.13 **Policy EQ3** is cited in the Decision Notice (then a draft policy) and the Council's Statement of Case. This Policy deals with the controls to be applied to development in the countryside. Notably this policy applies to extensive swathes of land outside of settlements which is therefore defined as countryside (see **Plan 2**). This is not a true 'landscape' policy but a means of controlling the direction of growth. This matter has been explored recently in the Recovered Appeal APP/D0840/W/15/3003036 where Inspector Preston noted at paragraph 186 (see **Appendix 6**):

"Policy 3A of the LP is a general policy of countryside protection that applies to all land defined as countryside. The policy states that planning permission will be refused for development that would have a significant adverse impact upon the countryside in terms of biodiversity, beauty, diversity of landscape, the character and setting of settlements, wealth of natural resources, nature conservation, and agricultural, historic and recreational value. The policy does not expressly prohibit residential development in the countryside and dictates that planning permission should be refused where it would result in a significant adverse impact. Therefore development that would have a less than significant impact could, under the terms of the policy, be permissible. In that sense, it is questionable whether it is a relevant policy for the supply of housing."

- 2.14 The acceptability of the appeal proposals has to be set within the positive planning context for the delivery of sustainable development, in compliance with the Government's national policy framework.

Interim Conclusions

- 2.15 Overall, it is my opinion that the appeal proposals do not conflict with the requirements of the NPPF in respect of the primary landscape issues with which national policy is concerned. I set out further context as to why I do not consider the appeal proposals to be detrimental to local landscape character in Section 4 of my evidence.
- 2.16 With regards to Policy H1, the principal area for disagreement relates to the visual prominence of the appeal proposals, and having reviewed the Council's position within their Statement of Case, and within the Committee Report, it appears this primarily relates to the impact the proposals would have on views from the A6. I do acknowledge that the Appeal Site is visible from the A6, but landscape policies, including the landscape aspect of housing policies (in this case Policy H1), should not be read to preclude any harm at all; they should be applied so as to prevent unacceptable harm. I address the nature of this view, the sensitivity and its importance with reference to the aforementioned evidence base (Wardell Armstrong Landscape Character Assessment) and therefore whether the development can be considered to result in unacceptable harm within Section 4 of my evidence.
- 2.17 With regards to Policy EQ2, again, it needs to be considered that landscape policies should not be read to preclude any harm at all. I deal with the landscape impacts of the appeal proposals within Section 4 of my evidence, but it is also important to consider these impacts in relation to the policy context that Policy EQ2 cannot be more restrictive in terms of landscape impacts than Policy H1 or the NPPF. I have set out clearly within Section 4 of my evidence that the appeal proposals will only affect a localised area of

the surrounding landscape, and that there will be no significant effects on any valued landscape components of the character type within which the Appeal Site is located, that would alter the overall perception and appreciation of the landscape. Therefore, the appeal proposals will be compliant with Policy EQ2.

- 2.18 The principal area for disagreement with regards to Policy EQ3 relates to the fact that the Appeal Site lies beyond the settlement boundary. However, the acceptability of the appeal proposals has to be set within the positive planning context for delivery of sustainable development, in compliance with the Government's national policy framework. This is considered in greater detail within the evidence of Caroline Payne.
- 2.19 With regards to policies relating to design of both the buildings and their surroundings, it is important to note that the application is made in outline only, as recognised by the Planning Officer within the Committee Report (see para 7.21 contained at **Appendix 3 CD 1.3**). As such, the proposed layout and associated design is indicative only, and the proposals can through conditions, be controlled by the Council to comply with the development plan policies.
- 2.20 The Planning Officer has referred to the findings of the appellants LVIA but does not agree with the overall conclusion. This difference of opinion is not based on the advice of a professionally qualified Landscape Architect, and no reasoning is given as to why the overall conclusions of an independently produced professional assessment cannot be relied upon. Indeed, the Planning Officer appears to be in agreement with many of the findings of the LVIA as cited within the Committee Report.
- 2.21 The advice of the Derbyshire County Council Landscape Architect has been relied upon even though he stated within his full consultation response (see **Appendix 7**) that he had not reviewed the current application, but had passed on his comments from a historic application only. Stating that *"This is a site that is known to me because I have previously provided comment on an earlier planning application – I have attached these comments because they may still be relevant to the application."* His concluding line notes that *"The Design & Access Statement refers to a proposed housing allocation to the east of the railway line. I am not familiar with this site so I am unable to comment on the extent to which this might have changed the context or perception of this site."*
- 2.22 The Derbyshire County Council Landscape Architect makes it clear that he has not reviewed the current context of the Appeal Site, nor has he reviewed the LVIA submitted with the application.

Section 3: Landscape and Visual Character of the Appeal Site – Baseline Situation

Landscape Character

- 3.1 For the purposes of my evidence I recognise 'Landscape' as defined by the European Landscape Convention, 2000 (ELC):

"...an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors".

- 3.2 Landscape character is defined in the Landscape Institute's guidance (see **Appendix 4**, page 157, paginated page 47) as:

"The distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse."

- 3.3 The characterisation of landscapes cascades from a national to local scale. The GLVIA sets out the approach and appropriateness of local scale character assessment in Section 2.4, sub section 3 (3), (see **Appendix 4**, paginated pages 19-20). Importantly, characterisation is a relatively value-free process; it does not determine the value or quality of a landscape. Judgements on value are made subsequent to understanding the landscape character.

- 3.4 What is generally accepted is that the larger scale national assessments tend to be of less relevance than the local character assessments which are specific to the locale. As a result, and in respect of the Appeal Site, the most pertinent and relevant published assessment and character types are classified as those identified within the 'Landscape Character of Derbyshire' assessment (**CD 3.11**), and the Wardell Armstrong Landscape Impact Assessment (**CD 3.2**). An extract of the National Character Area Profile for the 'White Peak' Character Area within which the Appeal Site is identified, is also appended (**Appendix 8**) for context.

- 3.5 As set out within the Landscape and Visual Impact Assessment (LVIA), Section 3, paragraphs 3.9 to 3.13 (**CD 1.5**), The 'Landscape Character of Derbyshire' assessment establishes that the Appeal Site is located within the 'Dark Peak' Character Area and more specifically, within the 'Moorland Fringe' Landscape Type (see **Plan 3**).

- 3.6 The extent of the LVIA study area was established through GIS topographical analysis and the production of a Theoretical Zone of Visual Influence, together with analysis of the local landscape character areas, and relates to a radius of approximately 3km.

- 3.7 The LVIA sets out that the Appeal Site does contain features representative of the 'Moorland Fringe' Landscape Type, but that these are limited to the presence of a dry-stone wall, the distinct absence of trees and the availability of expansive views to the north-east. The Appeal Site does not contain any particularly rare or notable features,

and importantly, does not form part of the “steep upland slopes fringing the open moors”, does not contain heather and rushes, is not open and exposed and does not contain exposed rock or scree slopes associated with gritstone edges. The features it does contain are commonplace within the wider Moorland Fringe Landscape Type, and not fundamental to defining the landscape character of the Moorland Fringe within the locality. The Appeal Site is also influenced by the surrounding urban context, including the established ribbon development extending along Brown Edge Road to the west of the Appeal Site. The ribbon development along Brown Edge Road and residential development on sloping topography is noticeable in views from the wider landscape as a typical component of the townscape character of Buxton and adjoining Moorland Fringe. However, the materiality of the properties along Brown Edge Road differs from the predominantly gritstone facings of other properties within Buxton, including the scattered farmsteads north of the settlement edge.

- 3.8 The Council appointed Wardell Armstrong to undertake a Landscape Impact Assessment (LIA) of settlements within the High Peak Borough to inform the emerging Local Plan (the now adopted High Peak Local Plan 2016). This LIA utilised the same published characterisation reports as Tyler Grange and came to the following conclusion at para 7.4.3 Table 9 in respect of the ‘Area of Search’ to the north of Buxton within which the Appeal Site is located (**Appendix 9 CD 3.2**):

“Land to the north [of Buxton] is extremely open, elevated and visually prominent, Development would have a high impact on the setting of the National Park. The approach into Buxton along the A6 is considered unsuitable for development due to its importance for the setting and character of the settlement.”

- 3.9 The Wardell Armstrong LIA does not define the boundary of north Buxton within the Area of Search, and as such it can only be assumed from the included map (**Appendix 9 CD 3.2**), that the Appeal Site forms part of a much wider area of consideration, all referred to as ‘Buxton (north)’.
- 3.10 This LIA is also clear in its assumptions regarding the Area of Search as set out at para 6.1.20 (**Appendix 9 CD 3.2**), where it states:

“The assessment of land within the Areas of Search was undertaken at a strategic level. It should be noted that within the Areas of Search categorised as being unsuitable for development there will inevitably be variations in the level of landscape impacts. Such variations could be determined by further more detailed survey at the field level.”

- 3.11 Clearly the LVIA undertaken by Tyler Grange during the application process represents the aforementioned more detailed survey work, in that it has considered landscape and visual effects of the proposed development on the Appeal Site, and the specific suitability of the Appeal Site to assimilate development of the nature proposed.
- 3.12 Furthermore, the land adjacent to the Appeal Site to the east of the railway line (Land at Hogshaw – sites B3 and B4 on **Plan 2**) was also considered with the Wardell Armstrong LIA to have significant landscape impacts:

“Development within the north-east of the site (B3) would have significant landscape impacts and an adverse impact on the setting of the National Park as this area has high visual prominence.”

- 3.13 Despite these findings, the Council was still minded to include this land within their allocations. This, together with the context of the consented Fairfield link road (Application Ref: HPK/0003/9365) presents a future scenario which would notably alter the landscape setting of north Buxton within this area assessed within the Wardell Armstrong assessment as being visually prominent and likely to result in significant landscape impacts. The existing urban fringe land will become further urbanised by the new road and residential development at Hogshaw. Through allocating the Hogshaw land, and consenting the link road scheme, the Council has demonstrated their clear commitment to the extension of Buxton northwards, and their acceptance of any adverse landscape impacts associated with each as not being significantly detrimental on the landscape or visual approach to Buxton.

Analysis of Visual Character and Views

- 3.14 The extent of potential visibility of the Appeal Site and the key views has been considered in the LVIA prepared by Tyler Grange LLP (at Section 3, paragraphs 3.20 to 3.27, and Section 4, paragraphs 4.23 and Table 4.5 **CD 1.5**). This is supported by plans and photographic viewpoints for 21 locations contained within Volume 2 of my evidence (see **Plans 4 and 5, and Winter Photosheets for Photoviewpoints 1 to 21**). Agreement on the suitability and range of viewpoints was sought with the Council via email on 9th July 2015 (see **Appendix 10**); however, no response was received. Agreement of the suitability and range of viewpoints has been sought again with the Council's appointed landscape witness prior to the exchange of evidence via email on Wednesday 1st February 2016; however, again, no response has been received to date.
- 3.15 No strategic views or views identified as important are set out within available policy documentation or supporting SPD. Field observations have confirmed that the users most likely to experience noticeable change as a result of residential development on the Appeal Site are limited to the users of the nearby Public Footpaths, the Buxton & High Peak golf course and the A6 Buxton Road. These views are localised to a distance of approximately 705m, and as such have been judged to be localised.
- 3.16 With regards to the visual envelope the Council agrees with its broad extent, but makes reference to the Wardell Armstrong LIA in the Committee Report, stating that:

“It is agreed with the applicant's LVIA that the site is visible for drivers on the A6 particularly on entering Buxton, past the entrance to the golf driving range located to the north of the town. There are also more permanent views for users of the golf course and public footpaths in this vicinity. The applicant describes these views as 'localised'. However, regardless of this, they are considered by January 2014 'Landscape Character Assessment' commissioned as part of the evidence base for the forthcoming Local Plan to be particularly important.”



- 3.17 I have already cited the findings of the Wardell Armstrong Landscape Impact Assessment and I interpret the findings to refer to the need to ensure the setting and character of Buxton is respected and maintained, rather than precluding development altogether. Indeed, the study itself caveats the broad nature of the assessment and the need to undertake site specific surveys to identify the actual impacts.
- 3.18 It is apparent from the Council's Committee Report that it considered the most significant affected views of and towards the Appeal Site to be from the A6 Buxton Road (see **Photoviewpoints 4, 11, 12, 13 and 16**). It should be noted that users of the A6 will predominantly experience transient views from vehicular movements, which in accordance with published guidance (GLVIA 3rd Edition) makes them less sensitive to changes in their views and visual amenity, as views are experienced in passing and often at speed. Pedestrian users of the A6 will also view the Appeal Site as there are footways along the route, however, this route is not recognised as a scenic or recreational pedestrian route in any published guidance or Council SPD, and as such pedestrians along this vehicular route are also less sensitive to changes within their views and to their visual amenity. It must also be taken into account that the Appeal Site can only be viewed from short sections of this route, when vegetation and topography does not intervene, and in any case, the Appeal Site forms a small portion of land within a wider view, which is viewed against the established backdrop of existing residential ribbon development along Brown Edge Road.

Interim Conclusions

- 3.19 In the next section I address the issues raised by the Council in the Statement of Case, however, what is evident in considering these matters is that:
1. Tyler Grange prepared an LVIA which was not challenged in terms of its technical rigour or conclusions;
 2. The Council have placed too much weight on the broad findings of the Wardell Armstrong Landscape Impact Assessment to incorrectly interpret it as precluding all development to the north of Buxton, despite the changing context and associated allocation at Hogshaw;
 3. The findings of the Wardell Armstrong LIA have been relied upon heavily as a reason to preclude development despite the study's own caveat regarding the broad nature of the assessment and the need for site-specific field studies to be undertaken; and
 4. Over-emphasis on views from the A6 Buxton Road has been made, with no consideration taken by the Council as to the nature of the views, the sensitivity of users, or the frequency of views, where views are transient.

Section 4: Analysis of the Council's Landscape and Visual Case

- 4.1 This section of my evidence specifically addresses and responds to the Council's Statement of Case and associated landscape reasons for refusal. The appeal case is set out for the appellant via a series of propositions, of which I will address the following in this section of my evidence:
- i. **Proposition 1:** The proposal complies with the relevant policies in the Development Plan and there are no material landscape considerations to indicate that planning permission should not be granted.
 - ii. **Proposition 2:** The proposed residential development relates to a sustainable edge-of-settlement location and would be fully compliant with Policy H1 of the adopted Local Plan.
 - iii. **Proposition 3:** The proposal would respect the local landscape character
- 4.2 In respect of the remaining propositions, these are dealt with by Caroline Payne and Ben Pycroft, and Caroline Payne's proof concludes on the overall planning balance.

Proposition 1

- 4.3 The development plan context for High Peak has changed since the appeal proposal was refused planning permission in February 2016. As such, the LVIA undertaken by Tyler Grange and submitted with the application reviewed the proposals against the old policies. The development plan now comprises the High Peak Borough Local Plan 2016. The policies relevant to landscape and visual matters are discussed below.

Policy EQ2

- 4.4 Policy EQ2 relates to landscape character and states that the Council will seek to protect, enhance and restore the landscape character of the Plan area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the Plan area.
- 4.5 The 2016 Local Plan no longer has areas of Special Landscape Value but instead sets out landscape character types for the entire borough, as set out in the Council's Landscape Character Supplementary Planning Document. It is of relevance that the Appeal Site did not fall within an area of landscape protection in the earlier Local Plan, and there is no history of it being subject to any consideration for a landscape designation or any special protection.

4.6 As set out the ‘Landscape Character of Derbyshire’ assessment, the Appeal Site is categorised as being within the Moorland Fringe Landscape Type. Section 4 of the Tyler Grange LVIA submitted with the original application (paragraphs 4.2 to 4.6 (**CD 1.5**) sets out Tyler Grange’s consideration of the sensitivity of the Moorland Fringes Landscape Type as a receptor, concluding that it represents a High-Medium sensitivity resource (see sensitivity assessment criteria contained at **Appendix 11**).

4.7 The Council has not disputed this sensitivity rating attributed by Tyler Grange to the Moorland Fringes. However, the overall conclusion that the effects of the proposed development on the landscape would be minor adverse are disputed on the basis that:

“In terms of its landscape character, the applicant’s LVIA suggests that the site has more in common with the urban fringe than adjacent countryside, since it is visually contained by residential development, vegetation and the railway line; and this would be further emphasised by the implementation of the housing allocation to the east. It concludes that development on this site would provide a suitable edge to the settlement...the former refuse tip immediately east of the application site is deemed to be unsuitable for housing development and is proposed for formal recreation and amenity use. The applicant’s conclusions as to where the natural edge of the settlement lies is therefore disputed. It is the development of these allocated sites, rather than that of the application site, which would form the clear boundary between the built up area and the countryside to the north...The site is clearly distinct from the surrounding urban area and represents the beginnings of the swathe of open countryside to the north of Buxton.”

4.8 This conclusion of the Planning Officer within the Committee Report fails to set out why the development will impact on the landscape character of the wider Moorland Fringe. Given the relatively small scale of the proposals, the lack of any loss of key characteristic features, the scope for perceptual changes to only affect a limited geographical area; and, the limited number of receptors, the scope for ensuring the detailed development proposals can respond to appropriate design requirements, and the fact that the development would not be incongruent in the context of adjoining settlement, I see no reason as to why the proposals would not comply with Policy EQ2.

Policy EQ3

4.9 Policy EQ3 relates to development outside settlement boundaries and allocated sites, and states that in these cases the Council will “seek to ensure that new development is strictly controlled in order to protect the landscape’s intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.”

4.10 The policy lists 8 forms of residential development that would be allowed which includes development in accordance with Policy H1. I demonstrate under Proposition 2 that the proposal is in full accordance with the landscape and visual aspects of Policy H1.



Policy EQ6

- 4.11 Policy EQ6 relates to the quality of design of development proposals, and of relevance to landscape and visual matters are the requirements to:
- i. Ensure development is well designed and respects the character, identity and context of High Peak's townscapes and landscapes;
 - ii. Ensure development on the edge of settlement is of high quality design that protects, enhances and / or restores landscape character, particularly in relation to the setting and character of the Peak District National Park;
 - iii. Ensure development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials and the relationship to adjacent buildings and landscape features; and
 - iv. Ensure development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion or other adverse impacts on local character and amenity.
- 4.12 I have already established that the development proposals would respect the surrounding landscape character and townscape edge of Buxton. The development proposals are in line with the management recommendations for the Moorland Fringe and would bring about localised character improvements through the consolidation of the existing development at Brown Edge Close which is considered to be visually prominent by the Council, and at Brown Edge Road where the ribbon development is noticeable within views from the wider landscape. There would be scope for conditions to specify further landscape enhancements should the Council deem this appropriate.
- 4.13 As acknowledged by the Council within the Committee Report, there would be no impact on the National Park due to the visual containment provided by the existing residential development along Brown edge Road.
- 4.14 Landscape features present on the Appeal Site are typical and comprise the presence of the low dry-stone wall along the eastern boundary adjacent to the railway line, the distinct absence of trees and the availability of expansive views to the north-east. These features and the perception of the landscape character type would be retained. There is also scope to restore the dry-stone wall where sections have become degraded, and with properties proposed to be set out in an orientation which maximises upon the available views to the north-east, whilst also ensuring that views to the north-east from the existing properties along Brown Edge Road and from the Public Footpath to the south of the Appeal Site can be retained.
- 4.15 In terms of visual intrusion, I deal with this more specifically within my analysis of Policy H1 below. As set out above, I see no reason why the development of the Appeal Site would not comply with policy EQ6.

Proposition 2

- 4.16 In terms of Policy H1, the first two criteria are relevant to landscape and visual matters and I address each of these below:

Relationship to the built-up area boundary, pattern of development and settlement of Buxton

- 4.17 With regards to these criteria, it is clear from my field observations and from a review of available mapping including the draft 'Further Changes to the Local Plan' (**Appendix 12**) that the Site is strongly influenced by the surrounding residential context to the north, west and south, and the visual containment provided by the well-vegetated recreation ground on the former refuse site to the east. The railway line also runs adjacent to the eastern boundary of the Appeal Site. As such, all sides of the Appeal Site are bounded by urban influences (see **Plan 6**) and furthermore, land to the east of the railway line has been allocated for future residential and recreational development. In no way is this a remote and rural location.
- 4.18 The Planning Officer is also clear within the Committee Report that the Site's relationship with the settlement edge is not in dispute, whereby she states:

"The site is not allocated for housing in the emerging local plan, nor does it lie within the settlement boundary. Policy H1 however does allow for consideration to be given to approval of housing on sustainable sites outside the defined built up area boundaries, taking into account other policies in the Local Plan. This is provided that the development would adjoin the built up area boundary, be well related to the existing pattern of development and surrounding land uses also that development would be reasonably related to facilities and local and strategic infrastructure.

Although the above criteria are met, the other proviso is that housing development on unallocated sites would not lead to prominent intrusion in the countryside or have a significant adverse impact on the character of the countryside."

- 4.19 Within the Statement of Case however, the Council has changed its position and now contends that the Appeal Site *"is not well related to the existing pattern of development and would have a significant adverse impact on the character of the countryside in the local area"*. I have already addressed matters relating to the impact of the Appeal Site proposals on the character of the local landscape under my analysis of Policy EQ2 within Proposition 1 above, but given the built-up context and the allocated land within the immediate vicinity to the east of the railway line, there is no reason to conclude that the proposals do not relate well to the existing pattern of development or settlement edge. **Plan 7** contained within Volume 2 of my evidence shows appeal proposals in the context of the draft scheme layout for the allocated Land at Hogshaw as well as the consented scheme for the Fairfield Link Road. Clearly, the established development context, obvious direction of growth and proposed changes to the surrounding urban fringe make this a more suitable candidate in terms of landscape capacity.

Impact on the character of the countryside and landscape impact

- 4.20 Specifically, Policy H1 cites that development should *"not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside"*.
- 4.21 I have already dealt with the effects of the proposed development on the landscape character of the countryside to the north of Buxton above, so within the context of this aspect of Policy H1, I now focus on the visual prominence and intrusion of the proposals into the countryside.
- 4.22 The fact that the Appeal Site lies beyond the settlement boundary does not equate to being an 'intrusion' as cited by the Council within the Decision Notice. One must consider the overall form and appearance of the settlement of Buxton and its relationship with the landscape that surrounds it.
- 4.23 The Appeal Site occupies a similar topographic elevation as the existing settlement edge in the northern part of Buxton (see **Plan 1**) and a lower topographic elevation than the existing ribbon development along Brown Edge Road. The Appeal Site is not physically prominent or distinct from the surrounding settlement context, especially as it is viewed against the established linear form of residential development along Brown Edge Road. From locally available public locations the Appeal Site is not prominent or a specific focus for views, although it is visible as part of a much wider panorama.
- 4.24 The main existing settlement is located to the south and west of the Appeal Site occupying the sloping sides of the valley within which the railway line running into Buxton is located, and defines the eastern boundary of the Site. The proposals will be contained within a framework of urban edges to the west and south, and the well-vegetated residential curtilage of Low Croft to the north.
- 4.25 Extending the settlement into the open and undeveloped countryside will change the character of the landscape in the specific location of the Appeal Site but that is not in itself an indication of 'harm'. This principle has been explored in other appeal decisions.
- 4.26 Inspector Nicholson in the Milverton Road, Wellington² appeal considered the issue of development and the effects on landscape character areas as well as site specific effects, he noted at paragraph 33 (**Appendix 13**):

"There can be little doubt that the change from farmland to housing would have a dramatic effect on the character of the field. However, there are developments further to the south and may be more to the east. Given its location on the cusp of different designations³, the change of use of the site would not so much alter the character of the areas within which it currently lies as to change the character of the site itself to that

² APP/D3315/A/12/2170249, December 2012.

³ There were no designations but this is a terminology issue - the site was located at the interface of a number of landscape character area classifications.

of the nearby urban areas of Wellington. While the site is part of the wider, pleasant countryside it is also unremarkable". (My emphasis)

- 4.27 In Homelands⁴, which was also reviewed by the Secretary of State, the inspector noted at paragraph 14.36 (see **Appendix 14**) that:

".... There is every reason to accept that the proposals would result in a pleasant, if very different, environment..."

- 4.28 More recently Inspector Hill⁵ at paragraphs 8 to 10 (see **Appendix 15**) noted the following, in respect of development within an AONB, an acknowledged and recognised valued landscape:

"8. The site is within the Axe Valley Hills Landscape Character Area where the essential characteristics are a series of hills running north-south enclosing small valleys which are perceived as having an intimate and tranquil quality. I saw that the landscape around Mosterton comfortably falls within that landscape character. However, the landscape hereabouts is not devoid of built development; Mosterton is a village of some substance, broadly aligned along the A3066, a reasonably busy main road. That is, whilst the village sits within this attractive landscape, it does not relate to, or contribute towards, the essential characteristics of the AONB which need to be respected.

9. The appeal scheme would extend the built up area of the village into the AONB. It would be clearly seen from the wider area, not least the higher ground on the valley sides to the north of the River Axe. This loss of part of the rural fringe to the village has to be acknowledged as causing some harm to the natural beauty of the countryside. However, the site stands directly adjacent to the existing built development of Windsor Close and Mosterton Cross which are, themselves, visible in the views across the AONB. The proposed scheme would move the boundary of the developed area some 75 metres or so, but the new dwellings are unlikely to be significantly more prominent or visually intrusive in the wider views across the AONB than the houses presently at Windsor Close and Mosterton Cross. (My emphasis)

10. Although the proposed new housing would be seen as a new element of built development in this landscape setting, taking account of the other development in this vicinity, it would not appear wholly incongruous or incompatible with the character of the landscape around this edge of the village. That is, although the proposed scheme would represent an expansion of the village, the village is already within the landscape of the AONB in this vicinity. The proposed scheme would not represent a significant or major change in the established relationship between built development and the countryside hereabouts." (My emphasis)

⁴ APP/G1630/A/11/2146206, 2148635 & 2159796, July 2012.

⁵ APP/F1230/W/14/3002790 Land adjacent to Windsor Close, Mosterton, Beaminsters DT8 3SU, June 2015.

- 4.29 As set out within the LVIA produced by Tyler Grange in association with the submitted application (**CD 1.5**), the proposed development on the Appeal Site will be visible from the surrounding local area by a relatively small number of receptors. The visual envelope defined through GIS analysis of topography and height data (see **Plan 2**), and the subsequent field verification of this (see **Plan 5**), has confirmed the geographical area within which the Appeal Site can be viewed either wholly or partially. It is not in dispute that the Appeal Site can be seen from a localised area, but the importance assigned to these views is in dispute, as the Council has attached greater weight and sensitivity to the land to the north of Buxton due to the findings of the Wardell Armstrong Landscape Impact assessment, claiming that development to the north of Buxton would affect the setting of the settlement edge.
- 4.30 I have already addressed the context within which the Wardell Armstrong LIA should be read earlier in my evidence (Section 3). Also of relevance to this case is the sensitivity of receptors and the definition of visual prominence.
- 4.31 The Council fails to acknowledge that as a transient and non-recreational user group, vehicular and pedestrian users of the A6 are not focused on the enjoyment of scenic views, but rather are focused on their journey and direction of travel. This makes these users less sensitive to changes within their visual context, as scenic quality is not the primary objective of their travel along the route. The fact that views are also occasionally or infrequently occurring along the route should also be considered, as this means users will only experience views towards the Appeal Site for short sections of a much longer route overall, and as such this diminishes the effect of the changes proposed on these users.
- 4.32 For users of the A6, the Appeal Site can be viewed from short sections of the route, primarily where the A6 runs adjacent to the Fairfield Golf Course. The existing view consists of the A6 and manicured, gently undulating landscape of the golf course in the foreground, scattered trees along the sloping valley sides and towards the valley bottom, ribbon development along Brown Edge Road in the middle of the view, with the rising peaks of the National Park in the background. For part of the A6 the foreground also contains views of the existing residential development at Nunsfield Road and Glenmoor Road.
- 4.33 In each of these views, it must be acknowledged that existing urban built form and influences are evident, and particularly adjacent and in close proximity to the Appeal Site. The Appeal Site also appears separate from the wider open countryside to the north of Lowcroft, as it is separated by the residential curtilage of Lowcroft and the vegetation associated with its rear gardens (see **Photoviewpoint 10**). North of the residential plot of Lowcroft, the landscape on the eastern side of Brown Edge Road becomes more rural with a much larger field pattern evident, the presence of scattered vegetation and the valley landscape becomes more open in character.

- 4.34 With regards to visual prominence, it is useful to understand the definition of prominence. The Oxford Dictionary defines it as:

“The fact or state of projecting from something” and “A thing that projects from something, such as a projecting feature of the landscape”.

- 4.35 With reference to this definition, the topographical context of the Appeal Site needs to be fully understood. The Appeal Site occupies steeply sloping land towards the valley bottom which is traversed by the railway line to the east. The ground levels on the Appeal Site rise to the west towards the existing ribbon development along Brown Edge Road with levels ranging from approximately 328m Above Ordnance Datum (AOD) in the west, to approximately 307m AOD to the east. The ribbon development along Brown Edge Road occupies a higher elevation than the Appeal Site and further west of Brown Edge Road the ground rises towards Combs Moss.
- 4.36 To be visually prominent, the Appeal Site and/or development proposals would need to project from the landscape or surrounding context. Although indicative, the development proposals have set out to ensure that the maximum development height does not protrude beyond the established built skyline of Brown Edge Road, nor the adjacent development heights at Brown Edge Close. In the sense of protrusion above the existing built context, the development proposals would therefore not be visually prominent.
- 4.37 In terms of expansion laterally into the surrounding landscape, as I have already set out above, the residential curtilage of Lowcroft effectively contains the Appeal Site and the development proposals to the north, ensuring that the development does not protrude into the open countryside to the north of this dwelling plot. In terms of projection eastwards towards the open countryside, the Appeal Site is restricted by the railway line, much akin to the other residential developments to the south of the Site which also extend up to the railway line. In any case, the Council's allocation of the Land at Hogshaw to the east of the railway line demonstrates that settlement expansion eastwards is not an issue in this location.
- 4.38 With regards to matters of scale, and form which the Council also refers to as contributing towards unacceptable visual prominence and intrusion (Para 7.34 of Committee Report), such matters are detailed and should be dealt with at reserved matters / detailed planning application. Such design matters can also be fully controlled by the Council.
- 4.39 Turning back to the Wardell Armstrong LIA which identifies the Site as being located within an area of significant landscape impacts, it is important to note that another site identified as having significant landscape impacts is land at Foxlow Farm, Ashbourne Road, Buxton (Planning Ref: HPK/2013/0603). In that case, outline planning permission was granted on 11 November 2014 for residential development for up to 275 dwellings, public open space, crèche, sports pavilion, access and association infrastructure. Planning permission was also granted for Land at Burlow Road and Heathfield Nook Road, Harpur Hill (HPK/2014/0403) which was also considered within

the LIA to be visually prominent and therefore unsuitable for development, as noted within the Committee Report at Page 6.20 (see **Appendix 16**):

“With respect to the emerging Local Plan, the application site continues to lie within the open countryside, having been rejected at the Preferred Option stage for inclusion within the Plan, due to its sustainability score (Sustainability Appraisal Report 2013). Furthermore, the site was examined in the Landscape Impact Assessment January 2014, whereby it was rejected due to its elevated and open appearance and the visual prominence of the site...”

- 4.40 When considering the appeal proposals before this Inquiry there is no substantive difference in the visual composition and changes proposed compared to those assessed in respect of the Hogshaw allocation, the Foxlow Farm application or the Burlow Road application when considered against the recommendations and observations of the Wardell Armstrong LIA. The Appeal Site will be seen below the established built skyline of Brown Edge Road and well below the skyline created by the ‘peak’ backdrop beyond Brown Edge Road. The Appeal Site forms a small component of the wider panorama and visual experience from views from the A6 on the approach to Buxton. The ribbon development along Brown Edge Road continues to be a noticeable element within the landscape, much more so than new residential development on the Appeal Site would be. The development will complement the grain and character of the settlement edge of Buxton, and by consolidating the existing residential development in the immediate surroundings, will go some way towards lessening the prominence of the new development on Brown Edge Close.
- 4.41 I accept that views from short sections of the A6 will change with the introduction of new housing as part of the overall visual scene; however, assimilation into the landscape can be further improved through detail design, as locally prevalent materials, appropriate form and scale of development can be used to respond positively to the surrounding townscape. Views over the development towards the ribbon development along Brown edge Road will be uninterrupted, as will views towards the open countryside to the north and north-east, and the rising slopes of Combs Moss beyond. The Council’s assertion regarding the prominence of development cannot be substantiated and is incorrect when you consider the parameters proposed.
- 4.42 Furthermore, the context of views from the A6 and arrival into Buxton will change notably upon completion of the consented Fairfield link road scheme. The link road further urbanises the fringe landscape which currently consists of open greens and the golf course. This will be viewed in closer proximity, and more directly by transient users of the A6, and is located within the same area of land identified within the Wardell Armstrong LIA as being an area of high landscape impacts, yet the Council do not object to these developments and accept the evolving nature of the landscape in this location.

Proposition 3

- 4.43 I have set out above under Proposition 2, that I consider the Appeal proposals to respect local landscape character and therefore that they are compliant with Policy H1. It is noted in the Council's Statement of Case that the NPPF is referenced, with paragraph 17 cited within the Decision Notice.
- 4.44 The fifth core planning principle set out at paragraph 17 of the NPPF states that planning should *"take account of the different roles and character of different areas...recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within in."* The principle reinforces the application of qualitative judgement in balancing harm with other benefits.
- 4.45 There is no direct reference to intrinsic character and beauty of the countryside within the Council's Statement of Case, nor is the Council seeking to claim that the site is located in a 'valued landscape' to support its refusal of the application. The Appeal Site does contain features that are typical of the 'Moorland Fringe' Landscape Character Type in that it consists of sloping ground bound by hedgerows and low dry-stone walls. However, these features are less intact and given the surrounding built context and urban influences, overall the Appeal Site is less sensitive than other more remote parts of the Moorland Fringe landscape. The northern settlement fringe of Buxton has already changed through the presence of other recent residential developments, and the susceptibility of the Appeal Site to change of the nature proposed is influenced by the allocated Land at Hogshaw and the consented Fairfield Link Road scheme.
- 4.46 The Appeal Proposals have taken the opportunity to respond positively to Landscape Character Type objectives and the development would not change the perception of the wider Moorland Fringe or landscape fringes of the northern edge of Buxton as development within the vicinity of the Appeal Site is not out of keeping with the context.
- 4.47 The Tyler Grange LVIA (**CD 1.5**) has set out clearly that effects would be very much localised and the development response is considered to be characteristic of the adjoining townscape edge.

Section 5: Summary and Conclusions

- 5.1. At the outset of my conclusions it is important to recognise that the Appeal Site has been subject to a Landscape and Visual Impact Assessment prepared by appropriately qualified professionals which has not been professionally challenged by the Council or its advisors in respect of the methodology adopted.
- 5.2. Of the Council's two reasons for refusal, the first reason relates to landscape and visual matters with the Council citing that proposals would be visually intrusive, would not respect local landscape character and would encroach and expand into the open countryside, thus eroding the visual appearance and character of the open countryside.
- 5.3. The assertions made within the Committee Report which provided the basis for the Decision Notice are not substantiated by proper analysis.
- 5.4. An over-emphasis has been based on the findings of the Wardell Armstrong Landscape Impact Assessment to incorrectly interpret it as precluding all development to the north of Buxton. These findings have been relied upon heavily despite the study's own caveat regarding the broad nature of the assessment and the need for site-specific field studies to be undertaken. The Council has not been consistent with regards to their interpretation of the Wardell Armstrong LIA, as is clearly indicated by their acceptance of the allocation of Land at Hogshaw for housing and their granting of consent of the Fairfield Link Road proposals. Both of these would alter the context and landscape setting of the north of Buxton, and both are also located within the same area identified with the Wardell Armstrong LIA as being visually prominent and likely to result in significant landscape impacts. These developments will urbanise the existing fringe landscape to the north of Buxton and the Council has demonstrated their clear commitment to the extension of Buxton northwards through their approval of these schemes and allocations, and as such their acceptance of any adverse landscape impacts associated with each as not resulting in significantly adverse impacts on the landscape or visual approach to Buxton.
- 5.5. The appeal proposals do not conflict with the requirement of the NPPF in respect of environmental and primary landscape issues.
- 5.6. The Appeal Site is not physically or visually prominent. The site lies at a topographic level consistent with the existing settlement. The Appeal Site is visible in localised views, primarily from Public Footpaths and adjacent overlooking private residents. The Appeal Site is also visible from short sections of the A6 on the approach into Buxton from the north, where it is seen against the backdrop of the existing townscape edge of Buxton, and against the notably incongruent ribbon development that extends along Brown edge Road into the open countryside. The most prominent feature in the vicinity of the Appeal Site is the ribbon development along Brown Edge Road. Over emphasis on views from the A6 Buxton Road has been made by the Council, with no consideration taken as to the nature of the views, the sensitivity of users or the frequency of views where views are transient.

- 5.7. With regards to Policy H1, the principal area for disagreement relates to the visual prominence of the appeal proposals, and having reviewed the Council's position within their Statement of Case, and within the Committee Report, it appears this primarily relates to the impact the proposals would have on views from the A6. I do acknowledge that the Appeal Site is visible from the A6, but landscape policies, including the landscape aspect of housing policies (in this case Policy H1), should not be read to preclude any harm at all; they should be applied so as to prevent unacceptable harm. The availability of views towards the Appeal Site from a short section of the A6, whereby the Appeal Proposals would be filtered, viewed within the context of existing development, and in the background of views, does not warrant refusal against this policy.
- 5.8. With regards to Policy EQ2, it again needs to be considered that landscape policies should not be read to preclude any harm at all. It is important to consider these impacts in relation to the policy context that Policy EQ2 cannot be more restrictive in terms of the level of landscape impacts that are acceptable, than Policy H1 or the NPPF. Accordingly, I do not consider that there will be significant effects on valued or typical landscape components of the Moorland Fringe landscape character type within which the Appeal Site is located, and as such the appeal proposals will be compliant with Policy EQ2.
- 5.9. The principal area for disagreement with regards to Policy EQ3 relates to the fact that the Appeal Site lies beyond the settlement boundary. However, the acceptability of the appeal proposals has to be set within the positive planning context for delivery of sustainable development, in compliance with the Government's national policy framework.
- 5.10. The appeal proposals provide for an indicative layout which follows the grain and layout of the adjacent urban development, and ensures the retention of the few characteristic features present on site (low dry-stone walls and expansive views to the north-east).
- 5.11. The appeal proposals will result in a change to the land use and character of the site. However, those changes will be limited in extent, and consistent with the pattern and grain of Buxton.
- 5.12. On the basis of my own professional analysis, I respectfully submit that landscape and visual matters are not a reason to withhold planning permission in this case.