

Land off Combs Road, Chapel-en-le-Frith

Grounds of Appeal / Full Statement of Case

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1.0 INTRODUCTION

- 1.1 A planning appeal is made in response to the refusal of planning permission made by High Peak Borough Council to planning application HPK/2016/0580.
- 1.2 The decision was made at Planning Committee on the 3rd October 2017 (the decision date).
- 1.3 The description of development is as follows:

"Proposed holiday accommodation comprising 14 units, site manager's living accommodation, 2 detached dwellings and new vehicular access (resubmission of HPK/2015/0298)".
- 1.4 The reason(s) for refusal is as follows:

"1. The local planning authority places significant emphasis on the design quality for new developments, especially where developments are situated in particularly sensitive locations. The application site occupies a sensitive location within the open countryside, Local Green Space, and open to wide-ranging views. The proposed drawings show a design that is poorly designed by virtue of its siting, layout, scale and detailed design. The proposed development would therefore appear as an unduly prominent and incongruous visual intrusion within the landscape which would be seriously harmful to local visual amenity. It would thereby be contrary to Neighbourhood Plan Policy H3, High Peak Local Plan Policy H1, EQ3 and EQ6 and paragraphs 17 and 58 of the National Planning Policy Framework".
- 1.5 This statement sets out the appellant's grounds of appeal, to be read in conjunction with the information set out on the appeal form.
- 1.6 It is submitted that this proposal is of an appropriate scale and complexity to justify the hearing route. The inspector will need to test the evidence by questioning / clarification, with particular reference to the extant planning permission and the submitted local area character study. The application has generated considerable local representation. Justification of the proposed design and layout in relation to the surrounding area is required through representation by the architect. The planning history of the site and specifically the extant permission is a material consideration that justifies discussion against the current proposal at a hearing.
- 1.7 Further details are set out on the appeal form. The expectation is that a statement of common ground, will be submitted as part of the process and in accordance with the appeal timeframe.

- 1.8 A Local Area Character Study document of the surrounding area has been produced, to compare the proposed development against existing properties in the area and is included as **Appendix 1 and 2** to this statement.
- 1.9 The list of application documents, either submitted with the application or subsequently as part of the determination process, are as follows:

Application Pack:

1. Location Plan
2. Proposed Site Plan & Elevations
3. Proposed House 1
4. Proposed House 2
5. Proposed Warden's House
6. Proposed Block 1 Holiday Units
7. Proposed Block 2 Holiday Units
8. Topographic Plan
9. Planning Statement
10. Design and Access Statement
11. Transport Statement
12. Drainage Report
13. Drainage Site Notes
14. Phase 1 Habitat Survey
15. Site Comparisons Plan

Additional documents:

16. Response Statement 21.12.16
17. C1239-30 - Holiday Accommodation
18. C1239-31 - Wardens House
19. C1239-32 - House Plot 1
20. C1239-33 - House Plot 2

21. C1239-34 - Site Plan
22. C1239-35 - Site Comparisons
23. C1239-36 - Site Ownership
24. C1239-30b - Holiday Accommodation
25. C1239-31a - Wardens House
26. C1239-32a - House Plot 1
27. C1239-33a - House Plot 2
28. C1239-34a - Site Plan & Elevations
29. C1239-34b - Site Plan & Elevations
30. C1239-37 - Site Illustration
31. Covering Note - application amendments 08.06.17
32. Covering Note - Application Revisions 25.07.17
33. Example properties photo sheet
34. MEETING NOTE 28.03.17 revised
35. HYD188-COMBS.ROAD-DRAINAGE.STRATEGY_REV.01

2.0 SITE AND CONTEXT

- 2.1 The application site comprises a vacant site of 0.67 hectares, located approximately 2km east of the town of Chapel-en-le-Frith, Derbyshire and 1.2km north of the village of Combs. The site is bound to the north by Manchester Road and to the east by Combs Road. Chapel-en-le-Frith Golf Club and Combs Reservoir are located south west of the site. There is existing residential development bordering the northern and eastern sections of the site. The site for the most part is well screened by established trees and hedgerows.
- 2.2 Access onto the site is from Combs Road, adjacent to an existing crossing point for users of the surrounding golf course. Within the site, the access road runs west of Combs Road for 50 metres, before turning north for 150 metres into the main part of the site.
- 2.3 Whilst the site is identified as being countryside, for all intents and purposes the land forms part of the extended built form of Chapel-en-le-Frith, which includes ribbon development along Manchester Road and the Hanging Gate Public House and a series of properties in proximity to this (area is called Cockyard). This in turn is further extended by a pocket of large single detached dwellings on Combs Road, directly adjacent to the appeal site.

3.0 PLANNING APPLICATION TIMELINE

3.1 The planning history for the site is complex and the following sets out the applications most relevant to this appeal.

| Application Reference | Proposal | Date (Validated) | Decision |
|--------------------------------------|--|------------------|-----------|
| HPK/0002/7950 | 17 holiday cabins 1 main lodge/reception | 18/04/1989 | Withdrawn |
| HPK/0003/0011 Outline application | Holiday accommodation comprising 14 units, site managers living accommodation and two detached dwellings | 29/10/1990 | Approved |
| HPK/0003/3787 Reserved matters | Holiday accommodation comprising 14 units, site manager's living accommodation and two detached dwellings (reserved matters) | 13/07/1994 | Approved |
| HPK/2015/0298 Full application | The erection of 17 no. dwellings comprised of 3 detached houses, 2 semi-detached houses and 12 terraced houses (in 3 blocks of 4 houses each) together with the construction of an access road to Combs Lane | 14/10/2015 | Withdrawn |
| HPK/2016/0580 Full application | Proposed holiday accommodation comprising 14 units, site manager's living accommodation, 2 detached dwellings and new vehicular access (resubmission of HPK/2015/0298) | 13/10/2016 | Refused |

1991 Application

3.2 The planning permission from 1991 is regarded as extant, as evidenced in a letter from the Local Planning Authority to the previous owner of the site dated 8th May 1996, stating:

3.3 *"With reference to the above planning permission, I confirm that, as the access road into the site has been constructed to base course level, then the development is considered to have commenced. The planning*

permission will not therefore expire on 26 July 1996 but is regarded as extant."

- 3.4 Recently, we have sought legal advice which confirms that as stated above, the planning permission for the site can be regarded as extant (refer to **Appendix 3**).

2015 Application

- 3.5 The 2015 application was made for residential development, to provide a mix of dwellings to meet local housing needs within the area. It was considered that the local authority did not have a deliverable 5 year housing supply, with a shortfall at 3.8 years supply. The presence of the built form and any impact upon the landscape was said to have already been established through the extant scheme, which was considered to weigh as a strong material consideration, albeit the proposed units were for a different use.
- 3.6 This application was withdrawn on the basis of objection from local residents and following dialogue with the planning officer.

2016 Application

- 3.7 The 2016 application to which this appeal relates was made as a resubmission of the 2015 residential scheme. The current scheme in terms of the number of units and the holiday use reflects the extant 1991 permission, but with alterations to the design and site layout.
- 3.8 All material considerations including ecology, drainage, highways and trees have been satisfactorily addressed.
- 3.9 The site layout and design originally proposed was altered during the application process with the submission of revised plans, as explained in detail within Chapter 4, Grounds of Appeal.

4.0 GROUNDS OF APPEAL

- 4.1 With reference to the reason(s) for refusal, the key grounds of appeal are as follows:
- Fundamentally, it is our opinion that the proposed scheme represents a comparable, if not improved, position in terms of comparison to the extant permission for the site. This being from the perspective of siting, layout, scale and detailed design. The fundamental principles established by the extant permission have been mirrored where appropriate or amended as a result of site specific logistics, e.g. sewer running through the site.
 - The design and scale of the development is suitable for the site and context and reflects that of properties within the surrounding area.
 - The proposed site layout is suitable taking into account the characteristics of the site and surrounding area. The layout is considered to be directly comparable to the extant scheme.
- 4.2 This chapter is to be read in conjunction with the separately prepared Local Area Character Study, submitted as **Appendix 1 and 2** to this statement,
- 4.3 In consideration of the above, the following key issues provide appropriate support:

SITING / LAYOUT / SCALE / DESIGN

- 4.4 This section sets out arguments against the refusal of the proposal on layout and design grounds, which have been referenced by High Peak Council in the committee report, based on Neighbourhood Plan Policy H3, High Peak Local Plan Policy H1, EQ3 and EQ6 and paragraphs 17 and 58 from the NPPF.
- 4.5 The separate Local Area Character Study document – Appendix 1 we have produced in conjunction with the architect for the scheme compares the proposed development against existing properties within the surrounding area. This document responds to the reasons for refusal set out within the committee report and reinforces the position that the proposal should not be refused on design grounds.
- 4.6 Much of Policy HQ1 and EQ3, referenced as reasons for refusal relate to the principle of development within rural areas, outside settlement boundaries. The validity of referencing such policies is questionable, given the principle of development has already been approved through the extant permission.
- 4.7 One criteria within Policy EQ3 does aim to ensure that all development is of a high quality design and protects or enhances landscape character and the setting of the Peak District National Park. The proposal is considered to meet this criteria, whilst fully complying with Policy EQ 6 regarding Design and Place Making, based on grounds set out within this chapter.
- 4.8 To provide a background how the design and layout has evolved; when the application was originally submitted, the Council's principal concerns on the scheme related to the layout of the development and the design of the units, with comments of the general approach being too 'urban' in nature. The Council wished to see a layout akin to a traditional farmstead, i.e. main unit (farmhouse), a series of outbuildings and smaller scale agricultural workers dwellings, all as a 'grouping' of buildings with a clear hierarchy. There was concern regarding the design and style of the two separate holiday blocks, particularly in terms of a pitched gable end and use of timber external walkways.
- 4.9 The final determined scheme represents the result of detailed dialogue with the local planning authority, which has also been designed in consideration of the Landscape Character (2006) SPD.

Layout & Siting

- 4.10 In terms of the layout, the approach has been to replicate to an extent, a traditional farmstead arrangement, with a principal farmhouse and a secondary dwelling, with the secondary dwelling typically being used in farmsteads for elderly relatives or younger generations, away from the main house. In this respect, proposed House 1 represents the main

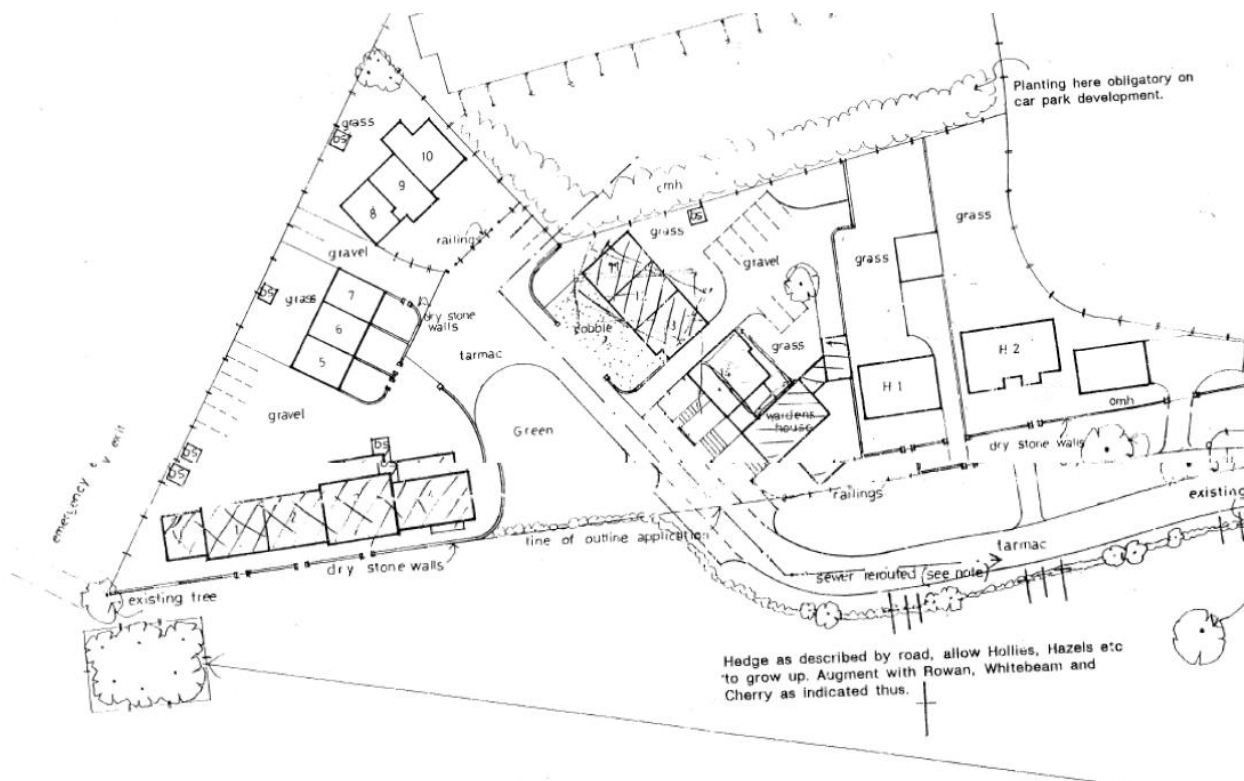
farmhouse and the warden's house represents the secondary dwelling. House 2 is sited adjacent to House 1 in the style of a barn, which would be typically located adjacent to the main farmhouse.

- 4.11 It is considered that the proposed layout and siting of the built form corresponds closely with the extant scheme. Holiday units 1, 2, 3 and 4 within the extant permission represent a linear block, in the same position as the proposed holiday accommodation within the current application.
- 4.12 Proposed dwellings 1 and 2 correspond with extant dwellings 1 and 2, and holiday accommodation 14 / the warden's accommodation (which form a single building).
- 4.13 The position of the proposed Warden's House corresponds strongly with the position of holiday units 5 to 10 within the extant scheme.
- 4.14 We consider that the layout proposed is reasonable when compared to the extant scheme and now taking into account the local green space designation. There are constraints associated with the sewer system which crosses the site west to east, which means there is major difficulty in pursuing the extant scheme. The sewer system requires a 3 metre no build easement either side, which the extant scheme did not take into account, with some properties being located directly above the sewer. As such, it is not possible for example to create a horseshoe layout or connect the warden's house with the holiday units, as was suggested by the Council.
- 4.15 The holiday accommodation within the extant scheme is much more spread out across the site across a greater number of individual buildings and it is considered that any impact associated with new built form is considerably reduced through the siting of a single holiday block, as is proposed through the current application.
- 4.16 The main difference between the layouts is the omission of buildings within the current scheme in the location of holiday units 5, 6, 7, 11, 12 and 13 from the extant scheme. This is possible due to the built form being condensed into one holiday accommodation block through the present scheme. Whilst efforts have been made to incorporate a farmstead type layout, this should not be an overriding requirement, as the site is not considered to be located within a rural location, having a clear relationship with the existing built form in the hamlet of Cockyard rather than the open countryside, in which a traditional farmstead could typically be expected.
- 4.17 The committee report states that the council would wish to see more of a courtyard arrangement. Nevertheless, it is considered that the proposed scheme does create a sufficient sense of enclosure between the holiday

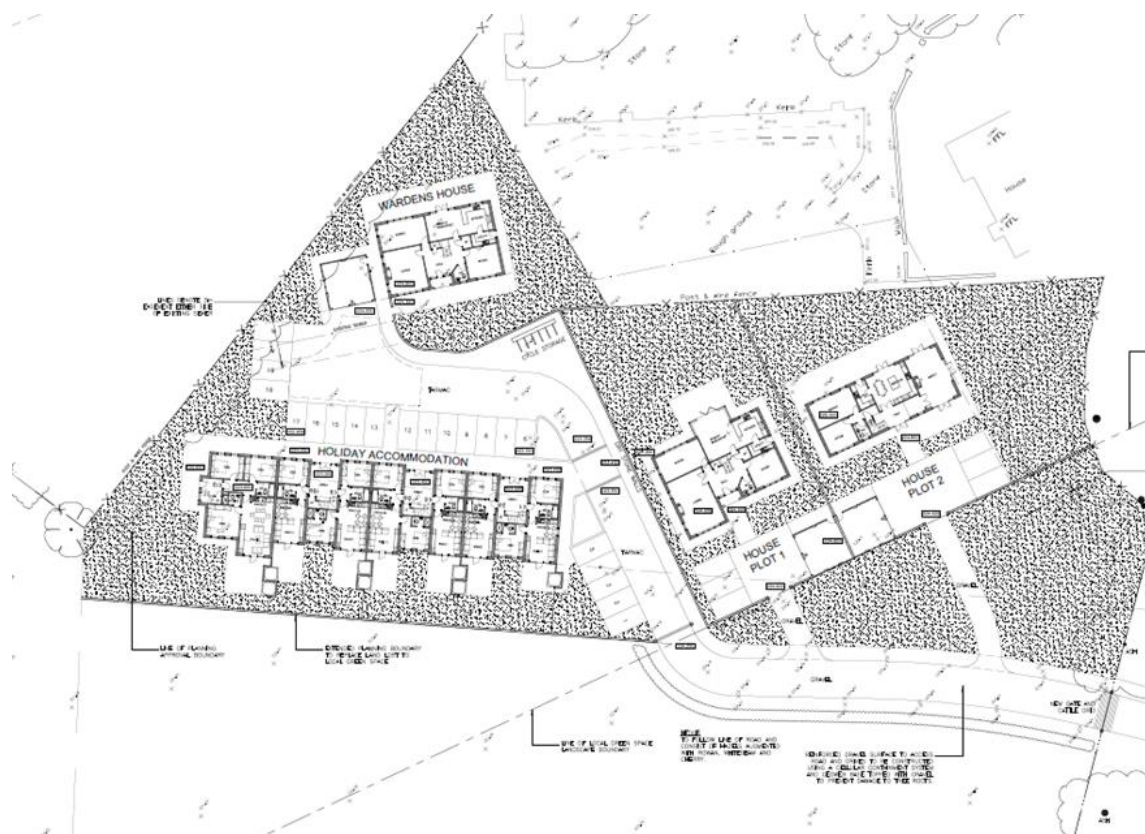
accommodation, the warden's house and house 1 to provide a noticeable courtyard arrangement.

- 4.18 The committee report has argued that the site is situated within the open countryside in a sensitive location. This is not considered to be the case as there is clearly a strong relationship with the existing built form. The visual impact of the proposed development is significantly diminished against the backdrop of existing properties on Manchester Road to the rear of the site, which are at a higher level. Regardless the principle of new built form of an equal scale has already been approved through the extant permission.
- 4.19 It has been confirmed within paragraph 7.32 of the committee report that the proposal would not cause harm to the amenity of neighbouring properties.
- 4.20 Based on the above, the proposal is considered to comply fully to Policy EQ6 from the High Peak Local Plan in terms of layout.
- 4.21 A comparison of the extant and proposed development layouts are provided on the following page.

4.22 Extant Development Layout



4.23 Proposed Development Layout



Design

- 4.24 Since the application was originally submitted, House 1, House 2 and the Warden's House were redesigned to be more simplistic in character, featuring stone walls flush with the roof lines and no barge boards or gable end decoration as proposed previously. Simple stone header and cills surround the windows and there are stone quoins in the walls.
- 4.25 House 2 takes the form of a barn conversion in its rectangular shape and double height void entrance. The garage for houses 1 and 2 take the form of a single storey barn conversion. The size of this garage is similar to that within the approved scheme for houses 1 and 2 and the visual impact of the garage would be diminished, when viewed from the reservoir against the backdrop of houses 1 and 2.
- 4.26 In line with comments, the design approach taken for the holiday units is for these to represent a series of farm workers cottages. Elements of traditional barn conversion features have also been incorporated. Double height windows on the north elevation only represent barn openings and allow for light entrance halls. Subtle changes in the roof height and ridgeline break up the mass of the building, as do sections of wall render.
- 4.27 It is considered that from a marketability perspective, holiday units comprising a range of sizes / bedroom numbers are now better suited to the holiday market. Specialist advice was sought from a series of agents on this matter.
- 4.28 The correct number of parking spaces for the holiday units are shown in accordance with the Council's adopted standards. 12 cycle parking spaces are now shown on the proposed site plan.
- 4.29 Windows have been altered to appear less regimented and the fenestration to wall elevation ratio has now been reduced for all units, in comparison to the revised holiday unit elevation plan originally put forward. Although it is submitted that 'uniformity' of windows is not necessarily an uncharacteristic feature of traditional / converted stone properties in the locality. A separate photo sheet was submitted setting out a number of examples of properties in the locality, to which the scheme is directly comparable.
- 4.30 Overall, the design of the scheme would not result in harm to visual amenity, with the built form being directly comparable to the extant scheme and similar properties in the surrounding area.

Scale & Floor Areas

- 4.31 In terms of the scale of development the proposed scheme is directly comparable to the extant scheme, in that it comprises two-storey development comprising principally series of terraced properties and a small number of detached properties. Scale / height / massing all being comparable and so not representing any greater impact upon the openness of the countryside.
- 4.32 The proposed scheme features a floor area directly comparable to the extant scheme. The overall size of houses 1 and 2 has been reduced and the size of the holiday units as a proportion of the overall floor area has been increased, in comparison to the plans originally submitted with the application (current column below).

| | APPROVED | CURRENT | PROPOSED |
|-------------------------------------|----------------------|----------------------|----------------------|
| HOLIDAY ACCOMODATION 14 UNITS | 506.7m ² | 398.8m ² | 1006.2m ² |
| | 225.0m ² | | |
| | 288.2m ² | | |
| | 265.1m ² | 298.4m ² | |
| | 65.8m ² | | |
| WARDENS HOUSE | 160.7m ² | 303.6m ² | 291.2m ² |
| GARAGE | 20.3m ² | | 30.3m ² |
| HOUSE PLOT 1 | 157.6m ² | 303.6m ² | 322.7m ² |
| GARAGE | 36.0m ² | | 29.7m ² |
| HOUSE PLOT 2 | 206.6m ² | 317.5m ² | 275.2m ² |
| GARAGE | 56.0m ² | 36.0m ² | 29.7m ² |
| TOTAL | 1988.0m ² | 1657.9m ² | 1985.0m ² |

5.0 EXTANT PERMISSION

- 5.1 When the application was originally put forward for refusal by the case officer in March 2017, it is considered that the significance of the extant fall-back position was not acknowledged in the drafted committee report (**Appendix 4**). The application was deferred from the March committee in order to address further design related items, which led to a series of meetings with the planning officer, resulting in the revised scheme.
- 5.2 The applicant sought legal advice from a solicitor to confirm the weight of the extant permission. The written opinion from Pinsent Mason is included as **Appendix 3**. Consequently, it is considered that the current committee report of October 2017 has, to a degree, now considered the extant fall-back position correctly.
- 5.3 In summary, there is a very real prospect that the 1991 Permission will be implemented if the current application is refused given the development description details are practically identical i.e. the applicant is clearly intent on developing holiday units on the site and if the current, more sensitive proposals are not consented, he will very likely seek to develop the holiday units under the 1991 Permission. Any suggestion to the contrary, does not stand up to scrutiny.

6.0 MATERIAL CONSIDERATIONS

POSITIVE BENEFITS ASSOCIATED WITH NEW SCHEME

- 6.1 Although not cited as reasons for refusal, it is important to note that the proposed scheme has addressed further material considerations that have arisen since the extant permission, in respect of drainage, trees and highways, resulting in an improved position, compared to if the extant permission had been pursued without undertaking this work. This is considered to be a significant positive element of the current proposed scheme.

Trees

- 6.2 There is considered to be an improved position with regards to potential impact upon trees, following the proposal for an improved access road of a reinforced gravel surface, constructed using a cellular containment system with geoweb base to protect Ash trees within the site. Assurance has been made that new trees will be planted within the site (standard deciduous trees), alongside a hedge to follow the line of the access road, consisting of hazels, augmented with rowan, whitebeam and cherry.

Drainage

- 6.3 The current application has afforded the local planning authority the opportunity to review drainage aspects of the developments, resulting in the submission of a drainage strategy including percolation testing to determine the management of surface water runoff, with recommendations for a balancing pond. Importantly, the positioning of the built form in the current application avoids the main sewer which crosses the site west to east and means there is no need for a diversion. The extant scheme did not take this factor into account.

Highways

- 6.4 There is considered to be an improved highways position in comparison to the extant permission. The current proposed site plan now shows adequate visibility splays either side of the vehicular access point onto Combs Road. There is now a pedestrian footpath across the site to Combs Road, which would link up with the existing pedestrian footway on Combs Road, avoiding the requirement to walk along Combs Road, as would be the case if pedestrians emerged or entered the site at the vehicular access, as would have been the case with the extant permission.

Local Green Space Designation

- 6.5 The Council initially raised concerns regarding the Local Green Space Designation 6, part of a network of Local Green Spaces within the Chapel-en-le-Frith area. It was confirmed by the Council that a corner portion of the proposed built form (houses 1 + 2) fell within the boundary line of the LGS 6, as shown in the adopted Chapel-en-le Frith Neighbourhood Plan. All of the access road was identified as being within the LGS designation, however this has not been raised as an issue.
- 6.6 Whilst the extant permission for the site precedes the adopted Neighbourhood Plan, the map drafting of which does not correspond correctly with the extant permission boundary (which also includes built form within the LGS designation), it is understood that the Council were still required to take the adopted document into consideration. For simplicity, the recommendation was to exclude any built development from the LGS area, which in turn resulted in a change to the proposed site layout.
- 6.7 The red line boundary was extended to accommodate the new site layout and was compensated for by the local green space section of the site which was then excluded. It should be noted that the altered red line boundary was still within the overall blue line and within ownership of the applicant. This is illustrated within drawing C1239-36-Site Ownership.
- 6.8 There is an improved position in that no new built form is proposed within the Local Green Space through the current application.

7.0 PLANNING POLICY

- 7.1 This chapter provides an overview and analysis of the Local and National Planning Policy relevant to the site and proposals.
- 7.2 The site falls within the administrative boundary of High Peak Borough Council.

HIGH PEAK DEVELOPMENT PLAN

- 7.3 The Council has recently made the transition from the existing High Peak Local Plan (2005) to a new Local Plan, which was submitted for examination in April 2014. The new Local Plan was adopted on 14th April 2016 and covers the period until 2031. This sets out the Council's existing policies and proposals for the way in which land, buildings and infrastructure should be developed.
- 7.4 The High Peak Local Plan (2005) is accompanied by detailed proposals maps which show various allocations (linked to specific policies) for particular parcels of land with an aim of guiding future development. In respect of Land off Combs Road, the site is classed as 'Countryside', covered under various previous local plan policies. However such saved policies have now been replaced by the High Peak Local Plan (2016).
- 7.5 The new Local Plan (2016) is yet to be accompanied by detailed proposals maps.
- 7.6 Relevant general policies within the Local Plan (2016) include:

Policy S1 – Sustainable Development Principles

- 7.7 This policy aims to ensure that all new development makes a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing, the environment; and mitigating the process of climate change, within the Plan Area. **The application site, although rural is in a sustainable location where means of travelling other than by private car are viable options. There are several services and facilities within the locality which the proposal serves to sustain.**

Policy S1a – Presumption in Favour of Sustainable Development

- 7.8 This policy aims to ensure the Council takes an approach that reflects that outlined within the NPPF regarding sustainable development.

Policy EQ2 – Landscape Character

- 7.9 This policy seeks 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.
- 7.10 The proposal is set within an attractive location and as such, has been designed to respect landscape character.

Policy EQ3 – Rural Development

- 7.11 This policy focuses on restricting development in rural areas in order to protect the landscape's intrinsic character and distinctiveness. Specifically Policy EQ3 supports the provision and expansion of tourist and visitor facilities in sustainable locations, where identified needs are not met by existing facilities. The application represents the provision of tourist and visitor facilities in a sustainable location.

Policy EQ5 – Biodiversity

- 7.12 Policy EQ5 aims to ensure development proposals conserve and where possible enhance the biodiversity of the plan area including watercourses. The submitted Phase 1 Habitat Survey identifies the flora and fauna present on the site. In terms of protected species, there are no badgers on site and no great crested newts are present. Bats have been seen and heard flying around trees within the site. However such trees will not be impacted upon as part of the development. In terms of grassland habitat, a relatively small proportion of the site is to be developed and therefore the existing grassland largely retained.

Policy EQ6 – Design and Place Making

- 7.13 This policy states that all development should be well designed and of a high quality that responds to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place. The proposal is of a high quality design, which sits well within the surrounding landscape.

Policy EQ9 – Trees, woodland and Hedgerows

- 7.14 This policy focuses on the protection of existing trees, woodlands and hedgerows. The proposals will not impact upon any trees or hedgerows within the site. Indeed, new trees and hedgerows will be planted across the site.

Policy EQ11 – Flood Risk Management

- 7.15 This policy aims to ensure developments proposals avoid areas at current or future risk of flooding and do not increase flood risk elsewhere.
- 7.16 Surface water can be satisfactorily managed through a sustainable drainage system.

Policy E6 – Promoting Peak District Tourism and Culture

- 7.17 This policy focuses on supporting the development of Peak District Tourism and Culture. This is inclusive of:

"Retaining and enhancing existing serviced accommodation and supporting the provision of new serviced accommodation in towns and villages in order to encourage overnight visitor stays"

"The provision of new visitor and cultural attractions and facilities that expand the breadth and quality of the tourism offer without prejudice to the character of the Peak District".

- 7.18 The proposal represents the provision of new serviced accommodation in order to encourage overnight visitor stays. There would be enhanced tourist accommodation in that this proposal is of a better design and more appropriate to meet an identified tourist demand than the extant scheme.

Policy H3 – New Housing Development

- 7.19 This policy generally aims to ensure a variety of quality housing to meet identified needs. The development meets a specific housing requirement in providing three large 5 bed detached homes, a type of housing which recent planning applications have failed to meet.
- 7.20 There are two open market units within the site and these are required fundamentally to
- 7.21 make the overall scheme commercially viable. The principle of the development is no different to that already approved in the extant permission.

Policy CF6 – Accessibility and Transport

- 7.22 This policy seeks to ensure that developments can be safely accessed, in a sustainable manner.
- 7.23 The site can be safely accessed from Combs Lane with adequate visibility splays. There are public transport facilities in the locality, walking and cycling routes. Please refer to the submitted transport statement regarding full details on access to the site and the surrounding highways situation.

CHAPEL-EN-LE-FRITH NEIGHBOURHOOD PLAN

- 7.24 In April 2013 Chapel-en-le-Frith was established as a neighbourhood plan area. The neighbourhood plan has since passed through the preparation, examination and referendum stages. A referendum was held on 16th July and following great support, was formally adopted on 5th August 2015.
- 7.25 The plan sets out planning policies covering the 15-year period 2013 to 2028. The Neighbourhood Plan sits alongside the existing Local Plan and is used for guiding development and determining applications. The application site is unallocated within the Neighbourhood Plan.

Policy H3 – Design Criteria

"New housing development in the Neighbourhood Plan Area must be of a high quality. The design and density should seek to reflect and distinguish the attractive characteristics of Chapel-en-le-Frith and other settlements within the Parish. Proposals must demonstrate how they have taken into account the following where appropriate and subject to viability:

- Connections
 - Public transport
 - Meeting local housing requirements
 - Character
 - Working with the site and its context
 - Creating well defined streets and spaces
 - Easy for people to find way around (legibility)
 - Streets for all
 - Car parking
 - Public and private spaces
 - External storage
- 7.26 The site has access to public transport. There is a bus stop in close proximity to the site on Manchester Road, providing services to Tunstead Milton, Whaley Bridge, Buxton, New Mills, Stockport, Manchester and of course Chapel-en-le-Frith. The development meets a specific housing requirement in providing three large 5 bed detached homes, a type of housing which recent planning applications have failed to meet. The site layout makes best use of the site and its context. There is adequate parking provided.

Policy CNP1 – Provision of Infrastructure and Facilities and Developer Contributions

- 7.27 *"New residential development should, where applicable and where possible, provide appropriate and proportionate new facilities and infrastructure on site, and make appropriate and proportionate contributions to related off-site facilities and infrastructure".*
- 7.28 The development will provide appropriate and proportionate new facilities and infrastructure on site, to meet the needs of the development. If necessary, any off site contributions related to off-site facilities and infrastructure can be agreed upon through an appropriately worded condition.

Policy TM1 – Promoting Tourism

- 7.29 A greater number of tourists can be attracted to the area by increasing the provision of quality holiday accommodation. There is currently limited provision for such holiday accommodation within the Chapel-en-le-Frith area and the proposal meets a recognised need.
- 7.30 The tourist accommodation proposed within this application is of a better design and higher quality than the extant scheme, improving residential amenity.

Policy C2 – Biodiversity

- 7.31 The application is supported by a Phase 1 Habitat Survey and there are not considered to be any ecological constraints which would preclude the development.

Policy TR1 – Information Required to Support Planning Applications (Transport)

- 7.32 *"When submitting development proposals for new housing, employment, retail, community or leisure use, or for any other development that would raise sustainable transport issues, applicants are required to:*
- Demonstrate safe walking and cycle routes in the immediate area of the site, with consideration of access to services and facilities, and to the countryside;*
 - Demonstrate how the proposals link with public transport;*
 - Demonstrate the impacts of the traffic arising from the development;*
 - Address any identified impacts".*

- Planning applications for developments that will generate significant amounts of movement must be accompanied by a Travel Plan that sets out how sustainable movement will be encouraged. The Travel Plan and the method of monitoring its effectiveness will be agreed with Derbyshire County Council”.

7.33 The submitted transport statement by Cameron Rose Associates demonstrates all of the above.

NATIONAL PLANNING POLICY

7.34 This section provides an overview and analysis of the Local Planning Policy relevant to the site and proposals.

7.35 *Achieving Sustainable Development*

7.36 **Paragraph 7** states: *“There are three dimensions to sustainable development: economic, social and environmental”.*

7.37 The application represents each of these dimensions of sustainable development. The holiday accommodation will bring economic value to the local area, part time employees (i.e. cleaners, ground maintenance) AND site owner. There will be social benefits through the enjoyment of people visiting the holiday accommodation and experiencing the surrounding area. Both of these factors can be achieved with little environmental impact or effects on biodiversity.

7.38 **Paragraph 9** states: *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):*

- *making it easier for jobs to be created in cities, towns and villages;*
- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure; and*
- *widening the choice of high quality homes”.*

7.39 Of particular relevance is that this present application aims to replace poor design with better design. It is submitted that the 1994 scheme at the site represented poorer design, which the current application aims to replace

with better design. This brings benefits to tourists using the site. In addition, the application noticeably widens the choice of high quality homes.

7.40 **Paragraph 14** states: *"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*

7.41 The application constitutes sustainable development in meeting the social, economic and environmental aspects. As such this is a key consideration in decision making.

Chapter 3 – Supporting a Prosperous Rural Economy

7.42 **Paragraph 28** states:

7.43 *"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- ***support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;***
- *promote the development and diversification of agricultural and other land-based rural businesses;*
- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and*
- *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship".*

7.44 Whilst being rural, the site is in a sustainable location in that methods of travelling other than private car are a viable option. There are several facilities and services in the locality which the development will serve to support. The application represents a sustainable rural tourism development.

Chapter 6 – Delivering a Wide Choice of High Quality Homes

- 7.45 **Paragraph 55** states: *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities"*.
- 7.46 The site is located in such a location. The proposal provides high quality homes and residential accommodation. It is submitted that this meets an identified need, after analysing existing accommodation within the Chapel-en-le-Frith area.

Chapter 7 – Requiring Good Design

- 7.47 **Paragraph 57** within this chapter states: *"It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes"*.
- 7.48 The scheme has been designed to respect and complement the surrounding area and dwellings have been positioned within the site to reduce impact upon the landscape. Again, the holiday units in particular represent a considerable improvement on the extant scheme.

Chapter 11 – Conserving and Enhancing the Natural Environment

- 7.49 Paragraph 109 states:

"The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;*
- recognising the wider benefits of ecosystem services;*
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate"*.

- 7.50 The application is supported by a Phase 1 Habitat Survey and there are not considered to be any ecological constraints which would preclude the development. The recommendations contained within this survey would be followed.

8.0 CONCLUSIONS

- 8.1 This planning appeal is made against the decision of High Peak Council to refuse planning permission for holiday accommodation development and residential dwellings at the site of Land off Combs Road, Chapel-en-le-Frith.
- 8.2 The Local Area Character Study (Appendix 1) has shown that the site is directly adjacent to existing built form and forms a strong relationship with the Hamlet of Cockyard. Adjacent uses include a pub, golf club and large detached residential properties. The existing built form of Chapel-en-le-Frith extends along Manchester Road in the form of residential dwellings until the application site. As such, the site is not considered to be located within the open countryside. Whilst the local area character study has shown that there are a wide variety of existing properties, the proposed built form has been designed to directly correspond with those traditional existing properties in the locality and the layout incorporates elements of a traditional farmstead, in keeping with the site and its context. The proposal is of a comparable scale to the extant scheme, as acknowledged in the committee report.
- 8.3 The proposed siting, layout and detailed design of the scheme is considered to be an improvement upon the extant permission for the site and whilst it would be possible to implement the extant permission without delay, this would achieve a less desirable outcome due to site constraints associated with the easement which is required for the foul drainage system on site. Other material considerations with regards to highways, ecology, drainage and trees have been satisfactorily addressed during the determination stage of the application and resulted in an improved position upon the extant scheme.
- 8.4 Contrary to the committee report on the application, the development would not appear uncharacteristic and visually discordant. The development would not appear as an incongruous visual intrusion due to the principle of development having already been established.
- 8.5 As set out within this statement of case, there are strong grounds to justify the siting, layout, scale and design of the proposed development and as such, it is respectfully requested that this planning appeal is allowed and permission be granted.

9.0 APPENDICES

- 9.1 Appendix 1 – Local Area Character Study**
- 9.2 Appendix 2 – Local Area Character Study Map**
- 9.3 Appendix 3 – Solicitor’s Advice Note**
- 9.4 Appendix 4 – Draft Committee Report 13.03.2017**

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