

**Appeal Ref: APP/H1033/W/21/3272745**

**Taxal Edge, 184 Macclesfield Road, Whaley Bridge, High Peak SK23 7DR**

- **The appeal was made on 8/4/21 under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.**
- **The appeal is made by Treville Properties Ltd against High Peak Borough Council.**
- **The application Ref HPK/2020/0301, is dated 22 July 2020.**
- **The development proposed is the demolition of the existing building known as “Taxal Edge” and the detached garage building and the erection of 7 no. dwellings.**

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THE LOCAL PLANNING AUTHORITY

PLANNING BALANCE AND OVERALL CONCLUSION

MARCH 2022

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1.1 The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The NPPF states that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by economic, social, and environmental dimensions and the interrelated roles they perform.

1.2 Paragraph 11 of the NPPF (National Planning Policy Framework) explains how the presumption in favour of sustainable development applies. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

1.3 The Council can currently demonstrate 4.79 years supply of housing land (as at 1st April 2021) including a 5% buffer and meeting the shortfall within the next five years using the agreed Liverpool Method approach. This represents a shortfall of 103 housing units. The Council is therefore unable to demonstrate a five year supply of housing which engages Paragraph 11d) (ii) of the NPPF.

1.4 In this case, the additional housing would be a benefit for the area, by introducing private housing for local people. It would therefore boost the supply of housing in accordance with the NPPF. A contribution to housing delivery represents a public benefit of substantial weight however this weight would be dependent on the net amount of housing proposed. Planning permission ref. HPK/2013/0503, which the Appellant relies on as a fall-back, permits 1 existing dwelling to be converted into 5 new apartments and the construction of 2 further houses (a net change of 6 dwellings). The appeal scheme therefore represents no net gain over the fall-back. There would also be material weight to be given to the economic and social benefits of the scheme which would accrue through its construction and the use of the proposed houses, as would the fall-back.

1.5 The LPs (Local Plan) Spatial Strategy through Policy SP2 'Settlement Hierarchy' directs development towards the most sustainable locations in the following order: Market Towns, Larger Villages and Smaller Villages. The application site mostly lies within the countryside other than its access track where it joins with the Macclesfield Road. LP Policy EQ3 'Rural Development' seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. It identifies those circumstances where new residential development would be permitted, including development involving the re-use of redundant and disused buildings and / or the redevelopment of a previously developed site, where it does not have an adverse impact on the character and appearance of the countryside and which would meet with LP Policy H1 'Location of New Housing Development'.

1.6 The appeal scheme clearly proposes a significant element of residential development on land within the open countryside designated as Settled Valley Pastures. The scheme for its majority would not adjoin the built up area boundary (other than its access track where it meets with the Macclesfield Road) to the northwest of the Whaley Bridge settlement boundary.

1.7 The Council has objected to the demolition of the large detached Edwardian Villa and its garage with a wholesale site redevelopment of 7 new build dwellings and outbuildings, which are not well-related with the existing pattern of development or surrounding land uses and would lead to a prominent intrusion into the countryside. The Council therefore objects to the scheme in terms of its harmful effect on the character and appearance of the area and its effect on the surrounding landscape. In addition, the Council has objected to the scheme regarding the provision of poor quality private amenity space in relation to some plots and potential impact to trees owing to shading concerns.

1.8 No highway safety objections have been raised by the Council. As well, ecology matters in relation to protected species 'bats' are found to be acceptable.

1.9 The Council acknowledges that the appeal site is a location with reasonable access to public transport and other essential shops and services within the town of Whaley Bridge to accord with LP Policy CF6 'Accessibility and Transport'. This is a scheme benefit which can be taken into account.

1.10 Accordingly, the appeal scheme therefore fails to comply with Policies S1, S1a, S2, S6, H1, EQ2, EQ3, EQ6 and EQ9 of the Adopted High Peak Local Plan, the Adopted High Peak Design Guide (Supplementary Planning Document) SPD, the Adopted Residential Design Guide SPD, the Adopted Landscape Character Assessment SPD and the NPPF.

1.11 The Council however cannot demonstrate a five year supply of housing. Accordingly, the NPPF advises that these policies must be considered out of date. Although this does not mean they should be ignored, the lack of housing supply diminishes the weight that can be attached to any conflict with them. The ongoing housing shortfall attracts substantial weight in favour of granting permission for the appeal scheme, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

1.12 The Council have put forward reasons for opposing the development which establishes that the harm would significantly and demonstrably outweigh the benefits. Therefore, the conflict with the development plan is not outweighed by other material considerations, and it follows that the appeal should be dismissed.