

DELEGATED DECISION REPORT

HPK/2023/0009
Valid 03/02/2023

2
PHOSIDE VIEW CHAPEL
ROAD
HAYFIELD

PARKING AREA, ACCESS TO
TRACK TO CREATE A SAFE
MEANS OF ACCESS TO
EXISTING HOUSE, CHANGE
OF USE OF PART OF THE
FIELD INTO ACCESS TRACK,
PARKING AREA FOR 2
PHOSIDE VIEW

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Impact on Green Belt
- Landscape and Visual Impact
- Parking Provision and Highway Safety

DESCRIPTION OF SITE

The application relates to No.2 Phoside View, and a parcel of adjacent agricultural land, which lies adjacent to the A624 Chapel Road, on the southern fringes of Hayfield village.

The property does not, and has never, benefited from off-street parking provision. The property is built into the hillside, with agricultural sloping land adjoining the very small domestic curtilage, bounded by the dry stone retaining boundary wall that meets the public highway (photograph below).



The neighbouring property No.1 Phoside View benefits from a private driveway and ancillary garage.

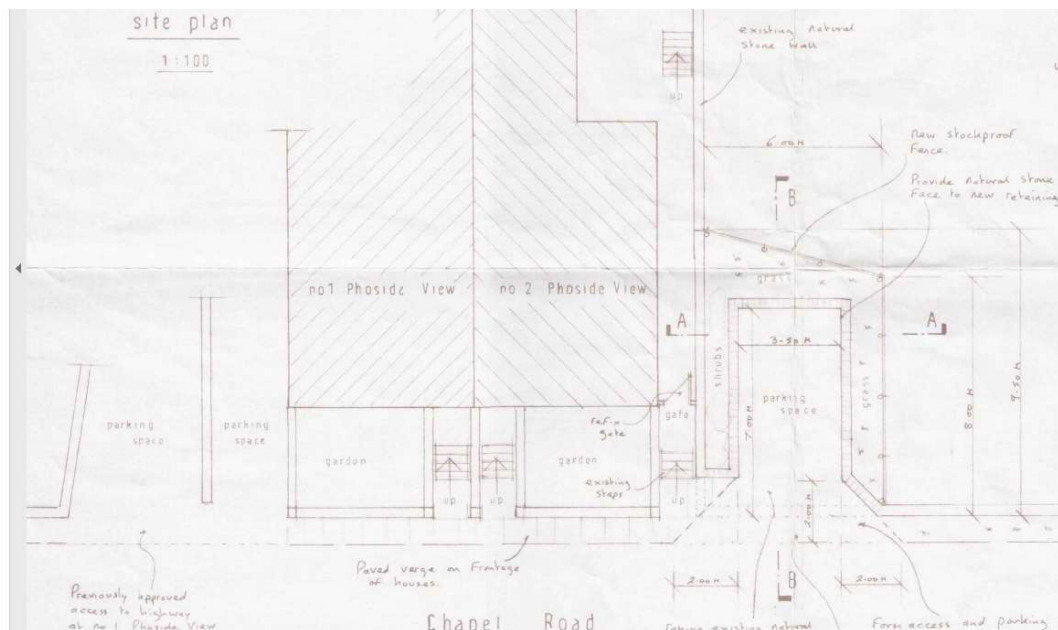
This neighbouring property has been the subject of two planning applications, which firstly granted permission to increase the width of the drive and reposition the stone boundary wall under HPK/0003/9385 in October 2000, and secondly granted permission to make alterations to the existing access and increase the width of the drive area under HPK/2001/0566 in February 2002.

Both applications have been implemented, shown in the below photographs.



The site lies in a highly sensitive and prominent location outside of the built-up area boundary in the open countryside, and in the North Derbyshire Green Belt. Given its location on the upper slopes of the valley, clear views of the site exist from the public bridleway HP15/5/4 that leads from Hayfield village south-eastwards on to the summit of the southern valley slope.

The site has been subject to a previous planning application for the formation of car parking space and a new access to the public highway, which was refused under HPK/2007/0421 in July 2007. A screenshot of the Proposed Site Plan considered under this application is shown below:



This application was refused by High Peak Borough Council on four grounds, as set out below:

1. The proposed development involving the creation of a new vehicular access to Chapel Road (A624) will introduce traffic movements to and from the public highway at a point where exit visibility is severely restricted due to the alignment of the road and third party land in either direction, thereby leading to the danger and inconvenience to other highway users contrary to Policy TR5 of the adopted High Peak Local Plan 2005.
2. No adequate provision is included in the proposals for the manoeuvring of a vehicle clear of the public highway, which would result in vehicles reversing onto or off the public highway against the best interests of highway safety and contrary to Policy TR5 of the adopted Local Plan 2005.
3. The proposed development would represent encroachment in to the Green Belt contrary to Policy OC2 of the adopted Local Plan 2005.
4. The proposed access and parking area by reason of its scale and extent of engineering operation would be detrimental to the character and visual amenities of the Countryside and Special Landscape Character Area contrary to policies GD4, OC1 and OC3 of the adopted Local Plan 2005

PROPOSAL

The applicant is seeking full planning permission for the change of use of a strip of adjacent agricultural land to the east of the site to be used for domestic purposes, the introduction of a new access from the public highway, the creation of an access track, parking and turning area, and all engineering operations necessary to facilitate the proposed development.

The submission is understood to have been made following informal verbal pre-application advice offered by Officers in November 2022 whereby comments were likely made in good faith without the benefit of any proposed plans, without a full review of the planning history and without a site visit.

The application is accompanied by very basic plans that have not been professionally prepared, and does not include a topographic survey, showing specific existing and proposed levels.

Notwithstanding, the Site Plan shows that the newly created access to Chapel Road would be situated some 50 metres east of the existing dwelling, with the access itself spanning a width of 4.5m.

The track itself includes a turn with a maximum width of 5m westwards, then an approximate 30m length of access track leading to a turning and parking area immediately adjacent to the house. The first 5m of the track is shown to be bound with local stone flags, with the remaining track to be a permeable surface made up of geotextile membrane and slate chippings.

To the north of the newly created access track would be a post and wire fence, with a new stone faced retaining wall behind the parking area.

The section drawing shows that due to the existing topography of the adjacent agricultural land, a significant degree of engineering 'cut and fill' operations will be required to facilitate the proposed access and track.

Land would be excavated so that the access track would be 800mm above the public highway just below the level of the dry stone wall that bounds the public highway which stands at approximately 1 metres, with a small amount of grass between the access track and the wall. The banking to the north of the access track would be cut at approximately 45 degrees, with an appropriate maximum height of 1m above the finished floor level of the track, seeded with grass.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- EQ2 Landscape Character
- EQ3 Rural Development
- EQ4 Green Belt Development
- EQ6 Design and Place Making
- CF6 Accessibility and Transport

National Planning Policy Framework 2021

| | |
|-----------------------------------|------------|
| Achieving Sustainable Development | Chapter 2 |
| Promoting Sustainable Transport | Chapter 9 |
| Achieving Well Designed Places | Chapter 12 |
| Protecting Green Belt Land | Chapter 13 |

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- HPK/2007/0421 Formation of car parking space and new access to highway
(Refused 26th July 2007)

CONSULTATIONS

Publicity

Site Notice expiry date: 7th March 2023

Neighbour consultation period ends: 2nd March 2023

Press Advert: N/A

Public Comments

1no. letter of support has been received from the occupiers of a property within Hayfield Village which makes the following submission:

- No parking available on site
- No safe specific pedestrian access to it from village, only approach is by walking on main road A624.
- Plans would enable both safe forward access to and from the site with sufficient parking for two cars, meaning no requirement for pedestrian access on A624
- Notes that previous application for No.1 Phoside View had provision for parking approved, but No.2 had their refused.

Hayfield Parish Council Comments

No comments received

Derbyshire County Council Highways

The proposal seeks the creation of a new vehicular access to Chapel Road to serve off-street parking provision for No2, Phoside View. The application site was the subject of a proposal for a single parking space and the creation of an associated access adjacent to the site in 2007 (HPK/2007/0421), the Highway Authority recommended refusal of the proposal due to the creation of a vehicular access with severely substandard levels of emerging visibility and no provision of manoeuvring space in the site to enable vehicles to both enter and exit in forward gear.

It should be noted that the proposed vehicular access and parking area, the subject of this current application, offer a significant improvement in terms of available emerging visibility and space within the site for the manoeuvring of vehicles.

The application site was also the subject of pre-application advice from the Highway Authority in November 2022, relating to the above proposal.

As part of the submission the applicant included a traffic speed survey demonstrating vehicle approach speeds in the vicinity of the proposed vehicular access, the results of the traffic speed survey don't appear to have been submitted as part of this application. However, the Highway Authority is satisfied that the available emerging visibility sightlines demonstrated from the proposed vehicular access are generally in accordance with 85thile vehicle approach speeds in the vicinity of the site in each direction.

In this instance the Highway Authority would accept maximum emerging visibility sightlines extending from a point setback 2.4m from the carriageway edge, measured along the centreline of the access, to a point 1m into the carriageway edge in either direction.

The dimensions of the proposed off-street parking bays are in accordance with your own Authorities standards.

The applicant has also submitted a swept path analysis demonstrating adequate space in the site to enable vehicles to both enter and emerge in a forward gear which is required due to the classified nature of Chapel Road.

Accordingly, the Highway Authority has no objections to the proposal, and it is recommended the following conditions are included in any consent:

1. A new vehicular access shall be formed to Chapel Road in accordance with the application drawings and provided with maximum visibility sightlines extending from a point setback 2.4m from the carriageway edge, measured along the centreline of the access, to a point 1m into the nearside carriageway in either direction. The area in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway level.
2. The proposed vehicular access, the subject of condition 1 above, shall not be brought into use until the parking and turning facilities have been provided as shown on drawing – SITE PLAN - JG03.
3. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

In addition to the above conditions, the following notes should be appended to any consent for the applicant's information:

- a. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.
- b. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are

taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- c. The Highway Authority recommends that the first 5m of the proposed access / driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.
- d. Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

OFFICER COMMENTS

Principle of Development

The application seeks permission for engineering operations and development that lies beyond the domestic curtilage of the existing property, in the open countryside, and in the Green Belt.

As such, the application is subject to Local Plan (LP) Policy EQ3 and EQ4 which refer to Rural Development and the Green Belt respectively, and restrictive policies relating to the Protection of the Green Belt contained under Chapter 13 of the NPPF.

The principle of development can only be supported where the application can demonstrate compliance with the above policies, notwithstanding all other relevant material planning considerations.

Impact on Green Belt

LP Policy EQ4 relates to Green Belt development and requires all development proposals in the Green Belt to be assessed in line with national policy.

Paragraph 137 of the NPPF highlights that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 138 sets out the five purposes of the Green Belt:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to prevent the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Paragraph 147 of the NPPF states that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the NPPF goes on to state that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 150 lists other forms of development other than new buildings which are also not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it. These include "*engineering operations*".

The proposed track is indeed an "engineering operation", which having regard to Local Plan Policy EQ4 and paragraph 150 of the National Planning Policy Framework (NPPF) is an acceptable form of development in the Green Belt **provided they preserve the openness of the Green Belt and do not conflict with any purpose of including land within it.**

Recent case law has held that the term "openness" comprises both a spatial and a visual aspect. Spatially, the proposal would result in the creation of a lengthy access track of some 50 metres extending away from the property into the open countryside, and, when considering the creation of a steep bank and new access track, would undoubtedly fail to preserve the openness of the Green Belt. From a visual perspective, the proposal would result in significant encroachment into the open countryside in a highly prominent and sensitive location, that would be clearly visible from public footpaths on the other side of the valley and result in significant changes to the current natural topography and landscape. As such, it is considered that the all aspects of development would, both individually and cumulatively, fail to preserve the openness of the Green Belt.

With regards to any conflict with the purposes of including this land within the Green Belt, it is considered that the proposal would not conflict with four of the five purposes. However, the creation of a new access, a lengthy access track, and substantial engineering cut and fill operations that would be required to facilitate the proposed development, it is considered that there would be a significant encroachment into the open countryside, thereby conflicting with Paragraph 138(c).

Based on the above analysis, the proposed development is considered to amount to inappropriate development in the Green Belt. The application can thus only be supported in principle, notwithstanding all other material considerations, should there be Very Special Circumstances that outweigh the substantial harm to the Green Belt by definition, and harm to openness.

Landscape and Visual Impact

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ2 seeks to protect, enhance and restore the landscape character of the Plan Area by requiring development to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, and that are sympathetic to and are informed by the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document. Proposals will be resisted which harm or be detrimental to the character and appearance of the local and wider landscape.

LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.

The site lies in highly sensitive and prominent location in the open countryside, within the 'Settled Valley Pastures' Landscape Character Area(LCA) as defined by the Landscape Character Assessment SPD (2006). This LCA is described as:

*“...an open landscape with expansive views and very limited development. In such an unsettled landscape, **any new development is likely to have a significant effect on the open character. For this reason new development is likely to be limited.**”* (My Emphasis)

The SPD goes on state that within this LCA *“the impact of hardstanding and other surfaces should be considered, including the colour, brightness, and reflectively of the surface and **how it would appear from a distance.**”* (My Emphasis).

The High Peak Design Guide SPD (2018) contains further useful guidance for preserving and enhancing the Borough's sensitive landscape characteristics. In particular:

2.4 *The High Peak landscape provides some of the defining characteristics of the area and have been instrumental in shaping local settlement patterns. In order to protect, and where possible enhance, the landscape character, development should assimilate itself into the landscape and avoid adverse impact on landscape quality*

Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually

attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

Paragraph 133 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The area of land subject of the application sits on the upper slopes of a steep valley, which is clearly visible from the opposite side of the valley on public bridleway HP15/5/4, in addition to being highly visible by users of the A624.

The proposed creation of a new vehicular access, proposed access track and new retaining wall into what is a natural steeply graded parcel of open agricultural land, would undoubtedly result in significant changes to the immediate and wider rural landscape character, that in the view of Officers, amounts to significant harm, particularly given the extent of engineering 'cut and fill' operations required to facilitate the works and steep banking resulting from it.

The application is therefore considered to result in significant landscape and visual impacts by virtue of the siting design and appearance of the proposed development as a result of the substantial changes to the topography and introduction of what can be described as urban features, and as a consequence the application is in direct conflict with LP Policies S1, EQ2, EQ3 and EQ6, the High Peak Landscape Character Assessment SPD (2006), High Peak Design Guide SPD (2018), and relevant paragraphs under Chapter 12 of the NPPF.

Parking Provision & Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network and provides suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan.

Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site does not benefit and has never benefited from any off-street parking provision. The applicant would have been aware of this situation and the need to park elsewhere in the village when they bought the property. It is acknowledged that there is a desire to create off-street parking both in the interests of convenience, and to reduce the risk of accidents, including the use of the thin pavement to walk from Hayfield and the need to cross a busy road to access the property.

It is understood that the applicant has sought formal pre-application advice from the Highways Authority in order to try and address previous reasons relating to highway safety under HPK/2007/0421 (Reasons 3 and 4). The detailed response from the Highways Authority confirms that these matters have been satisfactorily addressed subject to appropriate conditions.

However, it is considered by Officers that in order to make a new access and parking area acceptable in highway safety terms, having regard to current adopted local and national policy (that differs greatly from those that were relevant to applications at neighbouring No.1 Chapel Road over 20 years ago), this cannot realistically be achieved in manner that could be support having regard to impacts to the Green Belt and the impacts to both the immediate and wider rural landscape character.

As such, the application is considered to be acceptable with regards to LP Policy CF6 and paragraph 110 of the NPPF. However, this does not mitigate or outweigh the harm identified in relation to the Green Belt and Landscape Character.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission, unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The application seeks permission for various engineering operations to create a new vehicular access, new access track, parking and turning area, supported by retaining structures, at No.2 Chapel Road, Hayfield, together with the change of use of the agricultural strip of land to the east of the site and cut and fill works needed to facilitate the development.

The site lies outside of the built up area boundary in the Green Belt. A detailed assessment of the application has found that the engineering operations fail to preserve both the spatial and visual aspects of openness and also conflict with the purposes safeguarding the countryside from encroachment. The application therefore constitutes inappropriate development in the Green Belt.

In order to comply with LP Policy EQ4 and relevant restrictive paragraphs under Chapter 13 of the NPPF, Very Special Circumstances must exist that are found to

outweigh the substantial harm to the Green Belt by definition, and the additional harm caused by the failure to preserve the openness of the Green Belt.

The applicant has argued by way of email correspondence that Very Special Circumstances do exist by virtue of the fact that the current situation is wholly unsafe for the general public, as a result of having to access the property on foot on a slim pavement which is unlit on a fast classified road, particularly late at night.

Whilst it is fully acknowledged that the lack of off-street parking associated with the property is not ideal, this has been the situation ever since the property was built, which based on a visual inspection of the site is anticipated to be late 19th or early 20th Century. Any prospective or current occupier of this property has or will buy the property in full knowledge of the parking situation.

The benefits associated with the proposed development are largely considered to amount to private benefits for the safety and convenience of the host property, rather than wider public benefit. Even when taking account of any perceived enhancement to public safety that would exist as a result of the proposed development, it is considered that these benefits do not outweigh the substantial harm to the Green Belt including harm to openness, or indeed the significant harm identified with regards to the landscape and visual impacts to the immediate and wider rural landscape.

The applicant has satisfactorily addressed previous objections raised by the Highways Authority and previous reasons 3 and 4 relating to highway safety set out on the Decision Notice under HPK/2007/0421. However, in doing so, it is considered that the identified harm to the Green Belt and Landscape Character identified by Officers in 2007 has been exacerbated. The lack of any harm to highway safety neither mitigates or outweighs the harm to the Green Belt and Landscape Character identified above.

Based on the analysis within this report, and for the reasons set out on the Decision Notice, the application is recommended for refusal

OFFICER RECOMMENDATION : Refuse

Case Officer: James Stannard

Recommendation Date: 4th April 2023

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council