



Appeal Decision

Site visit made on 20 February 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/H1033/W/23/3330649

2 Phoside View, Chapel Road, Hayfield, SK22 2JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Knight against the decision of High Peak Borough Council.
 - The application Ref HPK/2023/0009, dated 12 January 2023, was refused by notice dated 4 April 2023.
 - The development proposed is described as a “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.”
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Decision

1. The appeal is allowed and planning permission is granted for a 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 at 2 Phoside View, Chapel Road, Hayfield, SK22 2JN in accordance with the terms of the application, Ref HPK/2023/0009, dated 12 January 2023, subject to the conditions in the Schedule attached to this decision.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. This was after the submission of the appeal but before the submission of the Council’s statement and the appellant’s final comments. As such, both parties had the opportunity to comment on changes within it, if required. Paragraph references in my decision relate to the latest version.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect of the proposal on the openness of the Green Belt.
 - The effect of the proposal on the rural character and appearance of the area.

Reasons

4. The appeal site is a semi-detached house within the Green Belt, fronting onto the A624, Chapel Road, which runs between Hayfield and Chapel-en-le-Frith. The site does not currently have any off-street parking, and there are no substantive footways linking the site to Hayfield, the edge of which is a short distance away. There are street lighting columns, but these are apparently no longer in use as a cost- and energy-saving measure.
5. The proposed access is located within the adjoining field in order to provide visibility splays and sightlines appropriate for the location and measured traffic speeds. This then drives the requirement for the track to the parking and turning area adjacent to the house. Derbyshire County Council as Highway Authority is satisfied with the proposal in highway safety terms.

Whether inappropriate development

6. The Council and the appellant state that the proposal is an engineering operation. I agree. Paragraph 155 of the Framework states that engineering operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

Openness

7. Both parties have highlighted that openness can have spatial and visual elements. The proposal would result in the creation of a track and access, requiring the excavation of material from within the Green Belt, in the sloping ground running along Chapel Road, behind the boundary wall. The appeal proposal would remain essentially within the existing ground levels, being partly cut into the slope, rather than built on top of it.
8. This engineering operation would increase the amount of built development within the Green Belt. However, given its character, appearance (which could be controlled by condition) and being made up of a gate, track and parking/turning area, I do not consider that it would harm the spatial openness of the Green Belt as it would not result in any greater enclosure of land, nor would it introduce any substantial volume of new development or structures.
9. Turning to the visual element of openness, the proposal would be visible from the road and from nearby public rights of way. The location and the landscape are, I agree, sensitive. However, the proposed gateway within an existing wall and the track and parking/turning area with its attendant boundary treatments would not, in my view, be so fundamentally different to the approach taken to the A624, other tracks and accesses, including public rights of way and indeed, the existing houses, such that it would affect or harm the visual openness of the Green Belt. The proposal would not be viewed in isolation. It would always appear in the context of two existing, well-established houses, close to an existing settlement, fronting onto a road with other tracks, public rights of way off it, and various gates, fences, walls and other means of enclosure clearly visible in the same setting.

10. I therefore find that the openness of the Green Belt is preserved, and the proposal does not conflict with the purposes of including land within it. As such, the proposal is not inappropriate development in the Green Belt. As I have found that the proposal is not inappropriate development in the Green Belt, it is not necessary to consider whether or not any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
11. The proposal does therefore comply with Policy EQ4 of the High Peak Local Plan (the Local Plan) which seeks to protect the Green Belt and maintain its openness, consistent with national policy. The proposal also does not conflict with national policy expressed in the Framework concerned with protecting Green Belt land.

Rural character and appearance

12. As I have noted, the appeal site is a sensitive one, being close to the Peak District National Park and within the Green Belt. The Council also suggests that it is prominent, owing to the steeply sloping topography of the field and the need to cut the access track into the ground and the visibility of it from the road and surrounding public rights of way. I do not dispute the sensitivity of the landscape, and I note the content of the 2006 Landscape Character Supplementary Planning Document (the Landscape SPD), with the Council highlighting the location of the site within the Settled Valley Pastures area. I also do not dispute that the proposal would be visible, but for the reasons set out in my consideration of openness above, do not find that visibility is analogous with unacceptability.
13. Whilst the characterisation in the Landscape SPD and described by the Council in their evidence clearly applies to the wider landscape, I do not consider that it directly, or properly applies to this particular appeal site. The site is one half of a semi-detached pair of houses, close to, but outside of, an established village, fronting onto a main road, with other houses and buildings accessed from the road above. All of this is visible in long and short views, giving a built and settled character to the immediate surroundings of the site. The stone walls to the front of the site and the boundaries of the field further reduce, in my opinion, any sense of the immediate site surroundings being unsettled and with limited development.
14. Owing to the topography of the area, which is of course a significant part of its character, accesses which are somewhat remote from the property they serve are not unusual, and I saw many on my site visit. Neither is it unusual or uncharacteristic to see gates or openings let into stone walls or tracks running broadly in line with or close to roads in order to deal with gradients or other constraints.
15. I note that the adjoining property already has a parking and turning area as well as an attached garage. Although the levels would likely be higher, given the appeal proposal would retain the stone wall to the immediate front of the site, I consider the proposal would have a lesser visual impact.

16. Both the Landscape SPD and the High Peak Design Guide SPD (the Design SPD) note the importance of considering the defining characteristics of the area, as well as the need to consider the impact of hardstanding. Given the ability to control the surfacing materials used through the imposition of a condition, I find that this could be appropriately dealt with.
17. Taking both SPDs together with the submitted evidence and my own observations on site, I am satisfied that although visible, the proposal would not be unduly prominent. That its siting, scale and visual appearance would not be unduly urban and would not cause harm to the immediate or wider rural landscape character. That it would protect and enhance the character, appearance and beauty of the immediate and wider landscape, its intrinsic character and distinctiveness, responding positively to its environment and respecting the character, identity and context of its surroundings.
18. The proposal would not therefore harm the rural character and appearance of the area, and would comply with Policies S1, EQ2, EQ3 and EQ6 of the Local Plan. It would also accord with the guidance in and principles of the Landscape SPD, the Design SPD as well as national policy in the Framework which seeks to achieve well-designed and beautiful places.

Other Matters

19. The Council has suggested that alternative on-street parking is available elsewhere, in Hayfield, which offers a practical, safe alternative to the appeal proposal given the existence of a footway to the site. Having driven and walked in both directions between potential parking locations in the village and the site, I simply cannot agree. Firstly, given the popularity of Hayfield, on-street parking is not particularly easily available even with the provision of pay-and-display parking for visitors. Secondly, the walking route to the site from the village is not a particularly pleasant one. The A624 is subject to a 40mph limit through the village and increases to 50mph beyond it in front of the site. It is also neither flat nor straight approaching the site, limiting the visibility of pedestrians to drivers of vehicles on the road. There is no real, practical footway. On leaving the village one has the choice of a grass-verge with parked cars or the carriageway-edge protected from oncoming traffic by a painted white line. Beyond the village and closer to the site, there is in places a kerb line, but the space behind it is rarely more than shoulder-width before meeting the stone wall and is largely unsurfaced. Reflective posts, road signage, telegraph poles, overgrown vegetation and vehicle debris are also constant companions when attempting to walk behind that kerb line and off the carriageway. Following energy- and cost-saving measures, the road is also now unlit.
20. During my site visit, which took place on a dry, clear day, outside the peak hours, there was a sufficient volume of traffic, including large aggregate lorries, that I was often forced to step tightly back to the stone wall to be safe. It was clear that drivers were not expecting to encounter a pedestrian, and despite my PPE, vehicles were often late in pulling over to pass me if oncoming traffic allowed or were forced to slow down and occasionally stop in order to pass safely. That situation was unpleasant and manifestly unsafe even in ideal conditions. The amount of vehicle debris along the road strongly hints at more minor incidents and collisions than the accident data would perhaps suggest.

21. Given my observations and experiences during my site visit, as well as the evidence to the appeal, I therefore consider that there would be a public benefit to the proposal in highway safety terms by reducing the potential for conflicts between road users. Although planning policy seeks to reduce the reliance on the private car, I consider that in this case that must be balanced against highway safety benefits, as well as the environmental and social benefits of keeping an existing house in safe and practical use. I find that these are material considerations which weigh in favour of the proposal.

Conditions

22. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2). In line with the consultation response from the County Council as Highway Authority, conditions 3, 4 and 5 have been imposed in order to protect, provide and ensure highway safety and convenience. Condition 6 has been imposed to ensure that satisfactory appearance of the completed development and to protect the character and appearance of the area. I am satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

23. For the reasons given above I conclude that the proposal accords with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. There are, as noted material considerations which further weigh in favour of the proposal.
24. Taking all of that together, the appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. That the development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan
Proposed site plan (dwg. JG03)
Proposed side section
Proposed turn off visualisation
Track cross section
Visibility splays drawing (dwg. JG01 Rev 2)
Swept path analysis (dwg. JG02 Rev 2)

3. The 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.
4. The proposed vehicular access, the subject of condition 3 above, shall not be brought into use until the parking and turning facilities have been provided as shown on drawing – SITE PLAN - JG03.
5. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.
6. No development other than preparatory works shall commence until details of the materials to be used in the surfacing of the access, track and parking area permitted, the new retaining walls to the parking area, and any remedial works to the stone boundary walls have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

End of Schedule of Conditions