

Statement of Case

For Treville Properties Ltd | 24-115

Appeal against refusal of HPK/2023/0061 - Land to the west of Bridgemont,
Whaley Bridge, High Peak, Derbyshire, SK23 7PB

Project: 24-115
Site Address: Land to the West of Bridgemont, Whaley Bridge, High Peak,
Derbyshire, SK23 7PB
Client: Treville Properties Ltd
Date: 20 March 2024
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1. Introduction

- 1.1 This statement has been prepared to support an appeal against High Peak Borough Council's refusal of planning application reference HPK/2023/0061 which proposed affordable housing on land to the West of Bridgemont, Whaley Bridge. The application was made jointly by Treville Properties Ltd and Great Places and the appeal has been lodged by Treville Properties.
- 1.2 This statement sets out the basis of the appellant's case that planning permission should be granted for the proposed development, with a focus on the reasons for refusal of the application. They will be expanded upon within the respective proofs of evidence.
- 1.3 The appellant reserves the right to respond to any additional matters and/or further details that are raised by the LPA during the course of the appeal.



2. The appeal application

- 2.1 The appeal application was received by High Peak Borough Council on 10 February 2023 and refused on 11 December 2023. It is an outline planning application for affordable housing (up to 42 units) with access considered and all other matters reserved. The application was a resubmission of an earlier application that was refused on 14 February 2022 (ref. HPK/2020/0180).
- 2.2 The indicative drawings include short rows of terraced housing along an internal access road that leads North and South from a central access point adjacent to 32 Buxton Road. A pair of semi-detached cottage flats is indicated to the South of the access point from the main road. Land at the North and South ends of the site is proposed for ecological enhancement. It is envisaged that the properties would be 2-storeys in height. They would be set back from the access road behind areas of hard and soft landscaping, with garden areas to the rear and mixture of different types of off-street parking. The materials proposed would be sympathetic to the character and appearance of the immediate surroundings and it is envisaged that ridge heights would be staggered in response to site levels, to break up the massing of the development and to add interest. All of the units would be Affordable Housing, which would be provided through a varying mix of tenures to address locally identified needs.
- 2.3 The application was validated following submission of the following documents (those which were superseded during the course of the application are marked as such):
- Application forms and certificates;
 - Site and Location Plan (ref: 311106-01-P3)
 - Proposed site access plan (TADW drawing no. 46934004 P06);
 - Proposed visibility splays and access dimensions – (SCP_200341_F03) *superseded*;
 - Transport Assessment (SCP January 2023) *superseded*;
 - Travel Plan (SCP January 2023) *superseded*;
 - Indicative site layout (TADW drawing no. 311106 03 P2) *superseded*;
 - 311106 06 P1 Indicative Typical Block Plans and Elevations;
 - Phase 1 Site Investigation (Peak Environmental Solutions, April 2020);
 - Preliminary Ecological Survey (NLG Ecology, January 2023);
 - BNG Technical Note (Baker Consultants, January 2023);
 - Planning, Design and Access Statement (Emery Planning, February 2023)
 - Housing need study (Emery Planning, February 2023);
 - Draft Section 106 heads of terms (Emery Planning, February 2023);



- Coal Mining Risk Assessment by Peak Environmental Services dated June 2020 (ref: 42056R2 Rev A);
- Arboricultural Report by Thompson Tree Services dated January 2023, including: Tree Protection Plan, Tree Removal and Retention Plan, Tree Schedule, Tree Schedule Key;
- Flood risk and drainage report (HBL Associates, updated January 2023);
- Landscape and Visual Impact Assessment (Baseline) ref. M3645-PA-DOC-01-V01 (Barnes Walker)

2.4 The following application documents were submitted to the LPA after validation of the application/whilst the application was under consideration in order to satisfy the additional information requirements of the LPA, to provide additional details in support of the proposed development, and/or in response to consultation comments on the application. The documents submitted in December 2023 addressed comments in the officer report to the development control committee.

- Landscape and Visual Impact Assessment - Volume 2 (by Barnes Walker, Ref: M3645-PA-DOC-01-V02, April 2023) submitted 17.04.23
- Letter addressing Housing Officer comments (by Emery Planning) submitted 16.06.23
- Updated Transport Assessment by SCP, June 2023) submitted 28.06.23
- Updated Travel Plan (by SCP, June 2023) submitted 28 June 2023 - ***Superseded***
- Noise and Vibration Assessment (by AEC, January 2020) submitted 7.07.23
- Visibility splays and access dimensions (by SCP ref. SCP/200341/F03 Rev B) submitted 7.07.23
Superseded
- Indicative site plan option 2 (by TADW, ref. 311106-03-P3) submitted 7.07.23
- Indicative site sections (by TADW, ref. 311106-07-P3) submitted 7.07.23
- Updated Travel Plan (by SCP, September 2023) submitted 19.10.23
- Proposed visibility splays and access dimensions – (SCP_200341_F03 Rev C) ***superseded;***
- Indicative Biodiversity Metric 4.0 calculation submitted 31.10.23
- Proposed visibility splays and access dimensions (by SCP ref. SCP/200341/F03 Rev D) submitted 5.12.23
- Technical Note: Surface water outfall route (by HBL ref. 9097/TN/2023/12/07 A) – submitted 8.12.23
- Notes on Landscape consultee comments – by Barnes Walker – submitted 8.12.23
- Letter to Development Control Committee Members – submitted 8.12.23
- Notes on PDNPA consultee comments – by Barnes Walker – submitted 8.12.23



- Landscape and visual effects comparison table – by Barnes Walker – submitted 8.12.23
- Viewpoints document by Barnes Walker – 8.12.23

2.5 The officer report to Committee recommended that the application be refused for 5 reasons, summarised as follows:

1. Conflict with Local Plan Policy H5 resulting in failure to comply with the exceptions to inappropriate development in the Green Belt within the Framework; impacts on the openness of the Green Belt resulting in conflict with the purposes of including land within the Green Belt, including encroachment into the countryside; and the lack of very special circumstances to outweigh those considerations (leading to conflict with Policies EQ4 and H5 of the Adopted High Peak Local Plan 2016 and the NPPF).
2. Significant adverse landscape and visual effects, contrary to Policies S1, S6, EQ2, EQ3 and EQ6 of the Adopted High Peak Local Plan 2016, the NPPF and the Council's Landscape Character SPD.
3. Insufficient information to assess the landscape and visual effects of the scheme on the Peak District National Park and its setting.
4. Insufficient information on noise / vibration matters in relation to the potential for adverse impacts to the future occupants of the proposed development as a consequence of the operation of the railway line.
5. Insufficient information relating to drainage impacts of the proposed development having regard to matters of local flood risk and the requirement within the Framework to not increase flood risk elsewhere.

2.6 It should be noted that with the exception of landscape (including PDNPA) and housing officer comments, no technical objections to the application were sustained by statutory consultees. The application received support from the Town Council (including agreement that the proposals would meet a local need for affordable housing and that this was a logical site to meet needs) and a range of representations were made by local residents, including letters identifying concerns with the proposed development and letters setting out strong local support on both the need for the development and the proposed location for the housing.

2.7 A committee update report was issued by the LPA in advance of the meeting of the Development Control Committee on 11 December 2023, which took into consideration the additional representations and information submitted in December 2023 (relevant application documents are included in the list above). The update report indicated that suggested reasons for refusal 4 and 5 had been addressed and should be deleted.

2.8 Members voted to refuse planning permission, with the final reasons for refusal drafted as follows:



1. Construction of new buildings is inappropriate in the Green Belt save where an exception allows, such as paragraph 149(f) of the NPPF. It is not considered that paragraph 149(f) applies because the site does not comply with Local Plan Policy H5 'Rural Exception Sites'. No other exceptions apply. The proposed development would therefore be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and there are no very special circumstances to outweigh those considerations. In addition, the proposed development would not preserve the openness of the Green Belt and therefore conflicts with the purposes of including land within it, including in relation to safeguarding the countryside from encroachment. The proposal is therefore contrary to Policies EQ4 and H5 of the Adopted High Peak Local Plan 2016 and the NPPF.

2. The proposed development would cause significant adverse landscape and visual effects therefore detracting from the rural character and appearance of the area, in which it is sited contrary to Policies S1, S6, EQ2, EQ3 and EQ6 of the Adopted High Peak Local Plan 2016, the NPPF and the Council's Landscape Character SPD.

3. Insufficient information has been submitted with the application relating to the landscape and visual effects of the scheme on the Peak District National Park area and its setting in order to assess adequately the impacts of the proposed development having regard to matters of avoiding or minimising adverse impacts on the national park and its setting. In the absence of this information, it has not been possible to demonstrate that the proposed development would comply with Policies S1, S6, EQ2, EQ3 and EQ6 of the Adopted High Peak Local Plan 2016, the NPPF and the Council's Landscape Character SPD.

- 2.9 As noted above, the decision notice was issued on 11 December 2023. As the LPA are required to give their full reasons for refusal of the application, this Statement of Case has been prepared on the basis that the LPA accepts all matters aside from housing needs, Green Belt and landscape impacts (including impacts on the PDNP) have either been satisfactorily addressed or can be addressed at the reserved matters stage (or by planning condition). There are no technical issues that warrant refusal of the application.

Related matters

- 2.10 The planning application was lodged jointly by Treville Properties and Great Places Housing Group (a registered provider of affordable housing).



3. Site and area description

- 3.1 A detailed description of the site and the local context is provided in the Planning, Design and Access Statement, and the baseline Landscape and Visual Impact Assessment that accompanied the appeal application.
- 3.2 The site is 1 ha in area. It is located within the village of Bridgemont, which is approximately 1.25 km South of Furness Vale and 700 m north of Whaley Bridge.
- 3.3 Part of the site was previously used as a car park for the former Dog and Partridge Public House. The pub has since closed and has been redeveloped for housing. Part of the site has also been used for housing poultry and related equipment and for keeping horses domestically and the parking of vehicles related to these uses. The remainder of the site is open countryside. The site has been used intermittently as a compound when local infrastructure works have been undertaken. It is bounded on all sides by clear defensible boundaries comprising the Railway, an established area of woodland and the existing housing within Bridgemont.
- 3.4 The site is well located in relation to a range of sustainable modes of transport. It is approximately 1km walking distance from Whaley Bridge railway station and 1.2km walking distance to Furness Vale railway station. Both stations provide hourly services to Manchester Piccadilly, Stockport and Buxton. Two trains an hour are provided at peak hours.
- 3.5 The nearest bus stops to the site are located just 100 m to the south. These stops are served by regular buses to destinations including Disley, New Mills, Macclesfield, Glossop, Buxton, Chapel-en-le-Frith, Marple, Stockport and Manchester Airport. The A5004 is recognised as being an on-road cycle route. The site is also located close to the Peak Forest Canal, which is a recognised off-road cycle route which connects the site to Whaley Bridge, New Mills and Chinley.
- 3.6 The site provides easy access to a wide range of services and facilities in Whaley Bridge, with Tesco supermarket and B&M store are considerably closer.



4. Relevant planning history

The appeal site

- 4.1 The full planning history for the site is set out in the Planning, Design and Access Statement that accompanied the application. The appeal application is a resubmission of application reference HPK/2020/0180, which was an outline planning application for erection of 46 no. affordable dwellings with access considered and all other matters reserved. The application was refused on 14/02/2022.
- 4.2 The reasons for refusal of application reference HPK/2020/0180 related to the Green Belt. The LPA indicated it was not satisfied that the proposals would meet an identified need for affordable housing (for local community needs) under policies in the development plan such that it would comply with the exceptions to inappropriate development within the Framework. The application was also refused on the basis of insufficient information relating to access, drainage, noise, and site levels (with regard to the appearance of the development and the potential for impacts on character and amenity).
- 4.3 The appellant's position was that the technical reasons for refusal were capable of being dealt with at the Reserved Matters stage. However, the current (appeal) application includes an alternative indicative layout and addresses the various reasons for refusal of the 2020 application.
- 4.4 During assessment of the appeal application, the LPA made reference to a 2015 application at the site for the erection two open market dwellings on the East side edge of the appeal site, adjacent to the road (application reference HPK/2015/0324). The application was dismissed at appeal on 22/07/16 (appeal reference APP/H1033/W/15/3130690) on the basis that the building of two houses and associated features, would materially reduce the openness of that part of the Green Belt and would not thereby meet the exception requirements of the sixth bullet point of what was then paragraph 89 of The Framework, with no material considerations being sufficient to clearly outweigh the harm to the Green Belt.
- 4.5 The current appeal application differs from HPK/2015/0324 in that it is an application for limited affordable housing for local community needs under policies set out in the development plan. It therefore falls within exception f of paragraph 154 of the current Framework, meaning that (in contrast with the exception for redevelopment of PDL), there is no restriction relating to impacts on the openness of the Green Belt or the purposes of including land within the Green Belt. The Case for the appellant will show that there are also significantly greater benefits associated with the current proposals for the site than application reference HPK/2015/0324.



Land adjacent and to the rear of 54 to 64 Buxton Road

- 4.6 On 26th March 2018, the Council granted full planning permission for 5 no. 2-bed houses and 8 no. 1-bed apartments at a site to the north of the application site to the rear of 54 to 64 Buxton Road (LPA ref: HPK/2017/0536). As with the application site, the land is in the Green Belt. However, the Council granted permission under the rural exception policy H5 of the High Peak Local Plan. The case for the appellant will refer to this application and the manner of assessment by the LPA. It will be shown that the appeal site is an equally, if not more appropriate location for the provision of affordable housing, which would comply with the requirements of rural exception policy H5.



5. Planning policy context

- 5.1 At the time of writing, the planning policy context has not changed significantly since the appeal application was determined, with the exception that the Whaley Bridge Neighbourhood Plan has now been adopted.

Development plan context

- 5.2 The development plan for the site comprises the High Peak Local Plan (HPLP adopted 2016) and the Whaley Bridge Neighbourhood Plan 2022-2032.
- 5.3 The proposals map shows the site as being located within the open countryside and Green Belt. It is outside of but near to the built up boundary of Whaley Bridge.
- 5.4 The following policies of the High Peak Local Plan (adopted 2016) are relevant:
- Policy S 1: Sustainable Development Principles;
 - Policy S 1a: Presumption in Favour of Sustainable Development;
 - Policy S 2: Settlement Hierarchy;
 - Policy S 3: Strategic Housing Development;
 - Policy S 6: Central Sub-area;
 - Policy EQ 1: Climate Change;
 - • Policy EQ 2: Landscape Character;
 - • Policy EQ 3: Rural Development;
 - • Policy EQ 4: Green Belt Development;
 - • Policy EQ 5: Biodiversity;
 - • Policy EQ 6: Design and Place Making;
 - • Policy EQ 8: Green Infrastructure;
 - • Policy EQ 9: Trees, Woodland and Hedgerows;
 - • Policy EQ 10: Pollution Control and Unstable Land;
 - • Policy EQ 11: Flood Risk Management;
 - • Policy H 1: Location of Housing Development;
 - • Policy H 2: Housing Allocations;
 - • Policy H 3: New Housing Development;



- Policy H 4: Affordable Housing;
- Policy H 5: Rural Exceptions Sites;
- Policy CF 3: Local Infrastructure Provision;
- Policy CF 4: Open Space, Sports and Recreation Facilities;
- Policy CF 6: Accessibility and Transport; and
- Policy CF 7: Planning Obligations and Community Infrastructure Levy

5.5 The Neighbourhood plan policies for Whaley Bridge are generally in accordance with those of the High Peak Local Plan and will be referred to where relevant. The appeal site is located mainly outside of, but adjoining the Bridgemont character area as defined in the Neighbourhood Plan.

National planning policy and guidance

- 5.6 The Framework was originally published in 2012. It was updated in July 2018, February 2019, July 2021, September 2023 and December 2023 and is a material consideration in the determination of planning applications. The case for the appellant will make reference to the relevant sections of the Framework, in particular chapters 1, 5, 6, 12, 13 and 16.
- 5.7 Planning Practice Guidance (PPG) was originally published in March 2014 and has since been updated. The case for the appellant will make reference to the relevant sections of the PPG.

Other material considerations

- 5.8 The following supplementary planning documents are also relevant:
- High Peak Design Guide SPD (February 2018);
 - Adopted residential design SPD (December 2005); and
 - Landscape Character SPD (March 2006).
- 5.9 Reference will also be made to other documents and evidence referred to in the officer report to the Development Control Committee.
- 5.10 In respect of matters relating to affordable housing and housing needs, reference will be made to a number of documents, including the following:
- Housing Needs in High Peak - Supplementary Planning Document - Adopted November 2007
 - Derbyshire Homelessness and Rough Sleeping Strategy 2022 - 2027
 - High Peak Borough Plan 2023-27



- Corporate Plan 2019-2023
- Growth Strategy for High Peak October 2017
- Private Sector Housing Renewal Assistance Policy 2022 – 2027
- Derbyshire Dales Council & High Peak Borough Council Peak Sub Region Housing Market Assessment Final Report December 2008
- Strategic Housing Market Assessment and Housing Needs Study Final Report April 2014
- High Peak Housing Needs Study 2012- based SNHP Update May 2015
- High Peak Housing and Economic Land Needs Assessment September 2022
- Derbyshire Dales & High Peak Joint Housing Needs Survey covering the Peak Sub Region Final Report March 2007



6. Planning considerations

6.1 The case for the appellant will be advanced with reference to the following propositions:

Proposition 1: The proposed development is for limited affordable housing for local community needs under policies set out in the development plan. As a result it constitutes an appropriate form of development in the Green Belt

6.2 Under this proposition, it will be shown that the principle of providing up to 42 affordable dwellings at the site accords with both local and national planning policy. The proposed development complies with the requirements of adopted Policy H5 of the HPLP which seeks 100% provision of affordable housing from rural exception sites, unless it can be demonstrated that an element of market housing is required to deliver a significant amount of affordable housing. No such arguments have been made to propose anything other than 100% affordable housing.

6.3 The tenure split of the affordable housing will be determined at Reserved Matters stage. The delivery of 100% affordable housing will be secured through a Section 106 agreement ("S106").

6.4 The indicative housing mix is:

- 2 no. 1-bed cottage flats
- 24 no. 2-bed houses; and
- 16 no. 3-bed houses

6.5 Evidence will be presented to look at the corporate priorities of the Council. Evidence will also be presented on past market and affordable housing delivery and comparisons will be made with the identified affordable housing needs against delivery performance.

6.6 The appellants will consider a number of affordability indicators; for example, the number of households on the High Peak Housing Register, which totalled 1,246 households at 31 March 2023. Other indicators include:

- Housing preferences;
- Waiting times;
- Temporary Accommodation;
- Homelessness;
- House Prices;



- Annual Earnings;
- Affordability Ratios; and
- Private Rents.

- 6.7 Evidence will be presented looking at other material considerations such as Secretary of State and Inspectors decisions.
- 6.8 The appellant will present evidence that there is an acute need for more affordable housing and that the benefit of 100% affordable housing weighs heavily in favour of the appeal.

Proposition 2: Where development falls within paragraph 154(f) of the Framework, there is no requirement for an assessment of impacts on openness and Green Belt purposes. Notwithstanding this, development of the site in the manner proposed would not have a harmful effect on the openness of the wider Green Belt and would not conflict with the purposes for including land within the Green Belt.

- 6.9 Under this proposition, it will be shown that the council have erred in their method of assessing the application as due to the type of development proposed, there is no policy requirement for an assessment of impacts on the openness and purposes of the Green Belt. Notwithstanding this, it be shown that the site is of limited value in fulfilling the purposes of including land within the Green Belt and that development of the site would not be harmful to the wider Green Belt or its purposes, as the proposed development would not exert itself visually, to any great extent upon surrounding Green Belt land between Whaley Bridge to the South and Furness Vale to the North. Although there is no requirement for a development of this nature to preserve openness, case law and appeal decisions will be referred to which confirm that even where an assessment is required, it must be done with regard to the impacts on the Green Belt as a whole, as opposed to a purely site level assessment. In this respect the proposed development is in full accordance with Green Belt policy and the effects of the development on the Green Belt do not warrant refusal of the application.

Proposition 3: The proposed development complies with the requirements of S1, S6, EQ2, EQ3 and EQ6 of the Adopted High Peak Local Plan 2016, the NPPF and the Council's Landscape Character SPD. It would not result in unacceptable adverse landscape or visual effects.



- 6.10 Under this proposition it will be shown that the effects of the development proposals upon the character of the landscape will be negligible and that landscaping of the site will ensure beneficial effects upon the landscape features of the site.
- 6.11 The site is well connected both physically and visually with the existing settlement at Bridgemont and is highly contained by existing development, woodland and the railway. It will be shown that the nature, scale, linearity and orientation of the proposed development is consistent with the development pattern in the immediately surrounding area and accords with relevant local guidance on landscape and design.
- 6.12 Existing trees within the site and its immediate vicinity will be retained and protected and soft landscape proposals would increase the quantum and quality of landscape features within the site, providing aesthetic and biodiversity improvements.
- 6.13 It will be shown that due to existing built form and trees/woodland, the site and the proposed development would not be prominent in local views and would not generate any significant levels of adverse visual effect.
- 6.14 As a result of the above, it will be shown that the development accords with the relevant requirements of Local Plan Policies S1, S6, EQ2 and EQ3; with the Council's Landscape Character SPD; and with National Planning Policy.

Proposition 4: The development would not have an unacceptable effect on the Peak District National Park or its Setting.

- 6.15 It will be shown that detailed information was submitted at the application stage which addressed the potential effects of the development on the Peak District National Park, including the use of an appropriate range of viewpoints that are representative of views experienced from the Park and which demonstrate that the proposed development would result in only a very subtle changes to the expansive views experienced from the PDNP, with visual effects from key locations such as Eccles Pike being negligible. Evidence will be presented to show that there would be no harmful effect on the character of the PDNP or its wider setting and that the development accords with the requirements of Policies S1, S6, EQ2 and EQ3 of the High Peak Local Plan; with the Council's Landscape Character SPD; and with National Planning Policy in this regard.

Proposition 5: The development complies with all other relevant requirements of the development plan and would result in a number of significant benefits, contributing to the three objectives of sustainable development. These benefits



weigh in favour of granting planning permission. In the event that the development is found to be inappropriate development within the Green Belt, the benefits are clearly sufficient to outweigh any harm to the Green Belt and any other harm.

6.16 The appellant's evidence will focus on addressing the reasons for refusal of the application and those matters where there is disagreement between the parties on the effects of the development. It will not go into detail on technical considerations that are agreed between the parties as having been satisfactorily addressed in the context of this being an outline application. Agreed matters will be set out in the statement of common ground. If the LPA expands its case or introduces new reasons for refusal, the appellant reserves the right to raise additional points and/or evidence in order to address this.

6.17 The case for the appellant will outline the numerous economic, social, and environmental benefits of the development, including but not restricted to:

- Job creation during the construction phase
- Increasing local spending
- Increased support for local businesses, services and facilities
- New homes bonus and council tax revenue
- The provision of new housing to meet an identified local need
- A range of household types and a proportion of new housing suitable for newly forming households
- Making efficient use of land that has no beneficial use
- Provision of homes in a sustainable and accessible location
- The provision of enhanced links to local cycle routes
- Enhancement of landscape features on the site
- Meeting requirements for biodiversity net gain
- Securing an appropriate drainage strategy that properly addresses the long term drainage of the site.



7. Documents list

- 7.1 The appellant will make reference to a number of key policy and technical documents as outlined above. Other documents may be referred to in light of matters raised in the Council's Statement of Case or by other parties.

National documents

- Relevant planning legislation
- National Planning Policy Framework (the Framework);
- National Planning Practice Guidance (NPPG).

Local documents

- High Peak Local Plan (2016)
- Whaley Bridge Neighbourhood Plan
- Supplementary Planning Documents
- Landscape Character Assessments
- Documents and evidence relating to housing needs as outlined in section 5 of this Statement of Case.

Technical documents

- Technical reports, documents and other evidence prepared by professionals on behalf of the appellant

- 7.2 In addition to the above, the Appellant will refer to various correspondence with the LPA and to other planning applications, appeal decisions and court judgements where similar issues to those emerging from this case have been considered.



