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Major Casework  
The Planning Inspectorate  
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Bristol  
BS1 6PN

**Your Ref:** APP/H1033/W/24/3339815

**Our Ref:** 1112/PG

12 April 2024

Dear Kerr,

**LAND AT DINTING VALE, DINTING, GLOSSOP, DERBYSHIRE, SK13 6PA**

**Introduction**

I write on behalf of my clients, Mr and Mrs Wilson of Woodside View, in connection with the above appeal by Wain Homes (North West) Ltd against the Council's refusal of their planning application reference HPK/2022/0456. The appeal is scheduled to be heard before a Public Inquiry which will commence on 18 June 2024.

My clients would request at the outset that the venue for the Inquiry is held as nearby to the site as possible given the massive scale of local opposition to the proposed development, to enable members of the public to attend and demonstrate the level of concern at this unreasonable and harmful development.

**Reasons for Refusal**

My clients note that the Council refused planning permission on 27 October 2024 for four reasons, all of which are wholly justified and are endorsed by the relevant local and national planning policies and guidance. In essence, the issues contained within the four reasons can be summarised as follows:

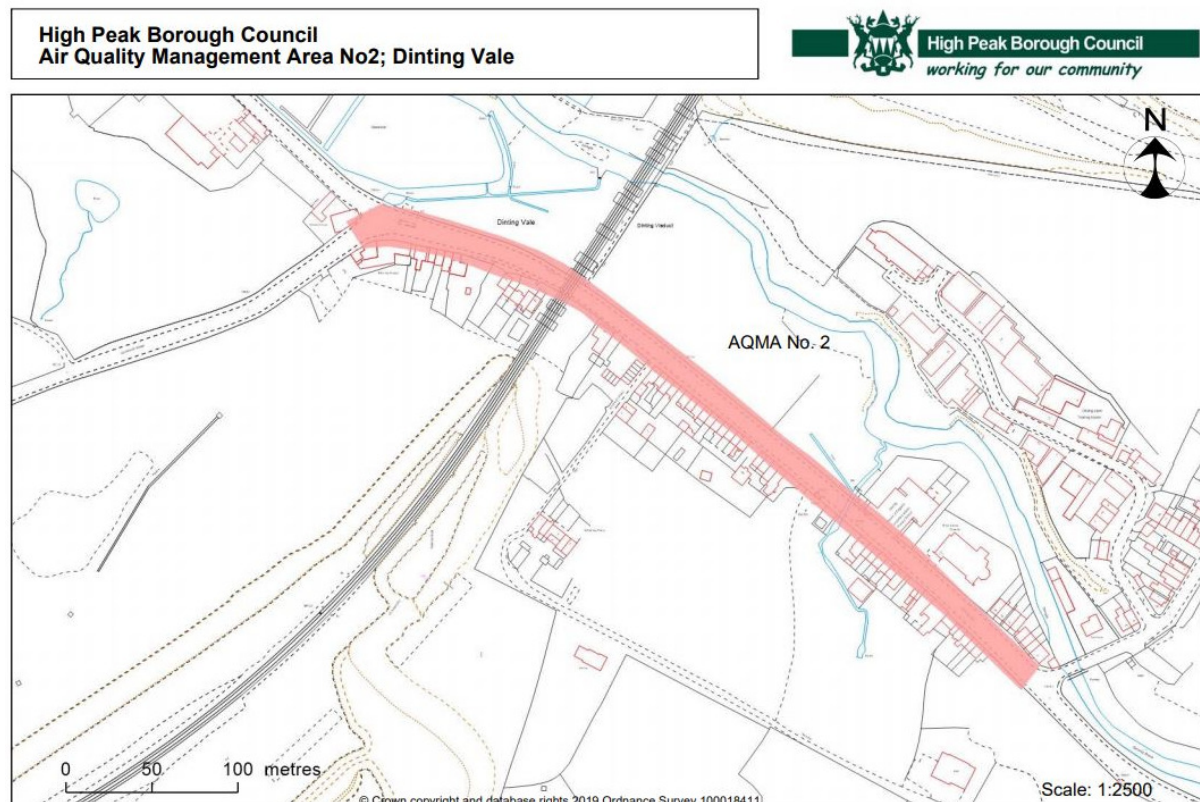
- 1) Detrimental impact on air quality in an allocated Air Quality Management Area.
- 2) Unacceptable impact on road safety due to the proposed access position.
- 3) Failure to provide an appropriate level of affordable housing and failure to mitigate for the loss of trees and impact on biodiversity.
- 4) Lack of an adequate solution to prevent the use of the public right of way by vehicles from the housing development.

The Inspector will be able to readily ascertain that the above four key refusal reasons are substantiated by the local knowledge and evidence provided by members of the public who will undoubtedly write in large numbers to object to the proposal as part of the appeal process, as they did for the planning application itself, and will attend and speak at the Inquiry. Local Councillors who voted unanimously at the Planning Committee to refuse permission will also present their in-depth understanding of the site and the issues presented by the scheme as part of the Inquiry process.

My clients would make the following comments on each of the refusal reasons.

### *1) Air quality*

The Department for Environment Food and Rural Affairs (DEFRA) website confirms that the Air Quality Management Area as shaded pink on the plan below encompasses the properties between the A626 Glossop Road/A57 Dinting Vale junction and the A57 Dinting Vale/Dinting Lane junction, and was designated due to extremely high levels of Nitrogen Dioxide (NO<sub>2</sub>) that had been measured in the area.



Accordingly, the proposed development of traffic from a further 92 dwellings to be discharged into the heart of the Air Quality Management Area would result in an even worse degradation of the existing pollution levels and the first reason for refusal of the planning application is entirely justified as no mitigation can be undertaken to alleviate the additional harm that will be caused.

### *2) Road safety*

The junction of the new access road appears to have given scant regard to the existing considerable traffic issues of the section of the A57 onto which it is proposed, with vehicles already at a saturated level and with a straightforward T-junction as shown failing to demonstrate any degree of highway safety, given that a development of the scale proposed would typically require either a mini-roundabout solution or at the very least a right hand turn lane in from the main road.

Unfortunately, the limited width of the A57 dictates that such standard highway safety measures are not feasible, therefore immediately leading to traffic conflict with users of the proposed access and further blockages of the main road to the overall detriment of vehicular and pedestrian safety. These impacts are exacerbated by the fact that there is a school almost directly opposite the new access point to be created, thereby presenting an immediate threat to parents and children attending Dinting Primary School.

The scheme therefore proposes a substandard access with visibility in each direction onto the main road severely hindered due to traffic flows and parking, and the development does not include any traffic management or calming measures. Consequently, the second reason for refusal is wholly correct.

### *3) Affordable housing, trees and biodiversity*

Whilst the third reason for refusal references a S106 package, there does not appear to be a formal document setting out the exact details of this as part of the appeal documentation. Based on the Statement of Case presented by the appellant, it is confirmed that despite 92 homes being proposed a total of 0% affordable housing will be provided, thereby failing to adhere to the adopted policy requirement of 30%. Whilst the case put forward by Wain Homes seeks to focus on viability issues as a way of defending such a clear policy breach, the development of any greenfield site should always be able to achieve a reasonable level of affordable housing within its layout and the third reason for refusal is completely correct in this regard.

In respect of the other detrimental impacts referenced in reason 3 regarding tree loss and biodiversity impact, it will be evident to the Inspector that the scheme will cause substantial harm to these important interests and that irrespective of the fact that the application was made and determined prior to the recently introduced Biodiversity Net Gain requirements, the development would eradicate large swathes of habitat and require the widespread felling of mature trees with minimal replacements proposed. In particular, the curved access road leading down the steep embankment would require the immediate and subsequent loss of many Category A trees which cannot be considered as acceptable.

The third reason for refusal therefore stands scrutiny and is endorsed by the relevant policies given the harm caused by the scheme in respect of an absence of affordable housing and the detriment to trees and biodiversity.

### *4) Public right of way*

My clients and several other residents in the area focussed around Adderley Place currently rely on the public right of way for their access which leads from the east off Simmondley Lane, which the access road to the residential development proposes to intersect via a crossroads.

It is undoubtedly the case that occupiers of the new residential estate will choose to utilise the right of way as a secondary access point at times when the A57 is congested, which often is for much of the day and always at peak times. This intensification would then be harmful to the right of way which is only currently used to serve a small number of residents and is not capable of accommodating additional traffic. It is illogical to suggest that the new occupiers will not quickly realise the alternative and use it as a way of escaping the congestion, or indeed to prevent the need to use the steeply dropping and sharply curved access road during times of inclement weather when it will undoubtedly be dangerous or more likely impassable.

The details for the proposed development show the intersection of the new access road and the right of way as using some posts which are intended to prevent any traffic from the estate turning onto the right of way; however, as a standard crossroads it is impossible to prevent such a straightforward manoeuvre and undoubtedly any such posts would be damaged or removed in the short term once the new residents realise the hideous traffic which they encounter daily on the A57. The crossroads is also proposed to include signage to discourage use of the right of way, but again these will simply be ignored as there is no mechanism by which they can be enforced.

It must also be recognised that the access via the public right of way for existing occupiers cannot be blocked or hindered at any time, meaning that if the development were to go ahead that there would be a huge complexity in accessing the land for the construction period as this would immediately encroach the right of way every time any vehicles of any size needed to cross the route. There is also the longer-term issue of how the crossroads could ever be constructed given that it too would instantly block access for the existing residents.

The fourth refusal reason is consequently well founded as the scheme will cause harm to the users of the right of way.

### **Other Material Considerations**

Reviewing the background of the housing allocation, the High Peak Local Plan of April 2016 includes the site as an allocation by Policy DS4 'Adderley Place, Glossop' which is described as 6.3 hectares for the residential development of approximately 130 dwellings. The appeal site effectively proposes to develop the majority of the allocation other than the wooded tranche of land along the eastern boundary.

Policy DS4 confirms that any development of the site must be in compliance with other relevant Local Plan policies, and also: provide a new access and a transport assessment; provide affordable housing at 30%; provide a landscape plan to include the retention of mature trees; and undertake a wildlife survey. Given that the scheme put forward does not provide a safe and satisfactory access, does not provide 30% affordable housing, does not retain mature trees, and causes harm to biodiversity the development is demonstrably contrary to Policy DS4 as well as the other stated policies correctly contained in the four reasons for refusal.

It is also certainly the case that the allocation of the appeal site via Policy DS4 does not include any definitive way in which the housing allocation can be satisfactorily reached, and nor does there appear to have been any study of this crucial aspect undertaken at any time in the consideration of the land being allocated as part of the Strategic Housing Land Availability Assessment (SHLAA) via its original map number of G32, or at any other point. Such a critical oversight essentially renders the allocation unreachable.

The Council's most recent statement of their five-year housing land supply is dated November 2023 and was therefore published after the planning application had been rightly refused by the Planning Committee in October 2023. This report concludes that the Council can currently demonstrate a figure of 6.4 years of housing land via the calculations which use the local housing need figure including a 5% buffer, well in excess of the standard five-year requirement.

Further, recent changes to the way in which housing numbers are to be calculated along with the delivery of other better-located housing allocations within High Peak, many of which are on previously developed land, has also served to lessen the need to develop poorly situated greenfield sites in inaccessible and unsustainable locations such as the appeal site. Therefore, the development of the appeal site is no longer necessary for the Council to meet its housing targets and accordingly the appeal scheme can be discounted and the refusal of permission upheld.

### **Additional Impacts on Mr and Mrs Wilson**

Having resided adjacent to the site in their previous home at Avening and now at their current property of Woodside View, my clients are well aware that the land is a housing allocation; however the fact that the land is allocated cannot be taken as a method of eliminating all of the other detrimental impacts that will occur as correctly set out in the refusal reasons with numerous issues needing to be addressed if the land is ever to be developed in an acceptable and satisfactory manner.

In addition, the layout as proposed would give rise to an unacceptable level of noise and disturbance which would be significantly harmful to their everyday enjoyment of their home due to a substantial loss of amenity caused by the access road into the estate being placed adjacent to their garden boundary and within just a few metres of their house.

Such an impact would be contrary to High Peak Local Plan Policy S1 'Sustainable Development Principles' which requires all developments to provide a high standard of amenity for all existing and future occupants of land and buildings. An extract from the submitted layout plan is depicted on the following page of this letter to demonstrate how close the estate road is proposed to be positioned abutting my clients' home.



It is further noted that the above plan peculiarly fails to show the whole footprint of Woodside View, which is misleading as it does not properly highlight that there a residential property located so close to the site. Understandably, my clients therefore do not consider that the issue of the impact of the development on their property has been paid sufficient attention, especially given that their home and the property to the north at Avening are the only two dwellings which directly abut the housing development part of the site. The Inspector is invited to visit the home of my clients when making their appeal site inspection.

### **Closing Remarks**

The development as proposed would cause unacceptable harm to air quality, highway safety, existing trees, biodiversity and the public right of way, as well as completely failing to provide affordable housing. The development is therefore contrary to Local Plan Policy DS4 which designates the site as the scheme fails to comply with Local Plan Policies CF6, DS4, EQ5, EQ6, EQ9, EQ10, H3 and H4 as well as the National Planning Policy Framework of December 2023.

It is therefore trusted that the Inspector will make their judgement to dismiss the appeal based on the facts of the case, which are that the four reasons for refusal are well stated and are fully endorsed by the relevant national and local planning policies and guidance.

Yours sincerely,

Philip Garner  
DipPS MSc MRTPI  
**Director**