



Appeal Decision

Site visit made on 22 October 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/H1033/W/24/3341655

Land off Marple Road, Chisworth SK13 5RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by L and G Williams against the decision of High Peak Borough Council.
 - The application Ref is HPK/2023/0418.
 - The development proposed is for an access and track.
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Decision

1. The appeal is allowed and planning permission is granted for an access and track at Land off Marple Road, Chisworth SK13 5RZ in accordance with the terms of the application Ref HPK/2023/0418 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1:2500), Track Plan Access Track (Drawing No: 2177/2), Traffic Site Plan Access Track (Drawing No: 2177/1) and Visibility Splays Plan (Drawing No: SCP/230755/D01).
 - 2) Within 12 weeks from the date of this decision, visibility splays shown on Drawing No's: 2177/1 and SCP/230755/D01 shall be provided. The visibility splays shall be free of any obstruction exceeding 0.6m in height and shall be retained as such thereafter.

Applications for costs

2. An application for costs was made by L and G Williams against High Peak Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. Reference has been made in the appeal submissions to the appeal site being off Glossop Road. I have however used the address provided on the application form and decision notice which refers to Marple Road.
4. The access was in place at the time of my visit and reflected the details shown on the submitted plans, other than the setting back of the fence line to provide visibility splays. For clarity, I have dealt with the appeal based on the submitted plans.

Main Issues

5. The main issues are:

- whether the proposal is inappropriate development in the Green Belt;
- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on highway safety; and
- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

6. The appeal site is situated in the Green Belt and the National Planning Policy Framework (Framework) confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy, as set out in Paragraph 142 of the Framework, is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
7. The Framework establishes that certain forms of development are not inappropriate in the Green Belt, provided they preserve the openness of it and do not conflict with the purposes of including land within it. Paragraph 155 of the Framework identifies engineering operations as one such form of development. Policy EQ 4 of the High Peak Local Plan Adopted April 2016 (Local Plan) references national policy which states planning permission will not be granted unless it is in accordance with national planning policy.
8. Reference has been made to whether the proposed access is needed, but paragraph 155 of the Framework does not require such consideration of need. It does however require the effect on openness and the purposes of included land within the Green Belt to be considered.
9. The access track has a linear form, with the section closest to the highway comprising of chippings. I note the length of the access track, but it takes only a limited part of the overall field it has been formed in and runs alongside a field boundary. The access track is level with the ground, and although it includes a number of gates, these are of an open design, permitting views through them.
10. As such, I consider the visual effect on openness would be limited, albeit as the access track occupies an area of land and has introduced gates, it would reduce the spatial aspect of the Green Belt's openness, albeit that such a loss of openness would be minimal for the reasons set out.
11. The Council has also raised concerns that the proposed development conflicts with one of the purposes the Green Belt serves, that which relates to assisting in safeguarding the countryside from encroachment. The access track, with two tyre width hardstanding areas with a centralised grass section does not appear as an urban feature, which are typically formed in a single bound material such as tarmacadam. It is not unusual to see access tracks like that

proposed leading off the highway in the countryside and I do not therefore consider the proposal would conflict with this Green Belt purpose of assisting in safeguarding the countryside from encroachment.

12. Accordingly, there would be no conflict with the purposes of including land within the Green Belt and although the proposal would reduce openness, this would be limited and not so far as to lead to harm to the Green Belt for the reasons set out. I conclude that it would not constitute inappropriate development and the proposed development would comply with Local Plan Policy EQ 4 which seeks to protect the Green Belt. The proposal would also accord with paragraph 155 of the Framework.

Character and appearance

13. The appeal site is situated in a rural landscape that contains small groups of buildings in an open and elevated landscape. The rising topography of the appeal site from the road and the boundary treatment that comprises of vegetation and post and rail fencing, results in a verdant, spacious character which contributes positively to the wider countryside setting.
14. The Council has raised concerns about the visual intrusion caused by the proposed development and whilst it has resulted in a change from what the appeal site appeared as previously, it appears as a typical access track across a field in a rural location. Whilst the removal of some planting will be necessary, given the rising land to the south, I do not consider this removal would detract from the open, verdant character of the area.
15. For these reasons, I conclude that the proposed development would not have an unacceptable adverse impact on the character and appearance of the area. As such, it would comply with Policies S 1, EQ 2, EQ 3 and EQ 6 of the Local Plan. Although some of the referenced policies set out broad sustainable development principles, they do seek, amongst other matters, high quality development that protects the landscape character of the Plan Area. It would also not be contrary to the Landscape Character Supplementary Planning Document (March 2006) or Sections 12 and 15 of the Framework which seek high quality design and conservation and enhancement of the natural environment.

Highway safety

16. The achievable splays, by setting back the existing fence line 2.4m would be 70m to the east and 90m to the west. Although the Highway Authority raise no objection to the proposed development, the Council has set out their concern that the eastern visibility splay would rely on third party land that is outside the ownership of the appellant.
17. The appellant has provided a letter with the appeal submission from the adjacent landowner that references their agreement to moving the fence line to provide increased visibility. Although I have not been provided with the details of the legal agreement that are referenced in the letter, the adjacent landowner does utilise the same access and sets out that it is the only vehicular access available to him. As such, I consider that the stated visibility splays can be achieved, including the ongoing requirement for maintaining them.

18. Consequently, I conclude that the appeal proposal would not have an adverse impact on highway safety. As such, it would comply with Policies S 1, EQ 6 and CF 6 of the Local Plan and Section 9 of the Framework, which seek, amongst other matters, for development to be safely accessed.

Other matters

19. I note the concerns that the access has used road planings and that it is necessary to demonstrate the suitability of the material used. This matter did not form part of the Council's refusal and I have no reason to find the proposed development would be harmful in this regard.

Conditions

20. The Local Planning Authority has not suggested any conditions should the proposed development be acceptable. For clarity, it is necessary that the development is carried out in accordance with the approved plans. A condition suggested by the Highway Authority requiring the formation and maintenance of the visibility splays is necessary in the interests of highway safety. As the access has been formed, it is necessary for the splays to be provided within a timely period. The proposed development is of a satisfactory appearance and no further conditions are considered necessary.

Conclusion

21. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, including the provisions of the Framework, I conclude the appeal should be allowed.

F Rafiq

INSPECTOR