



Appeal Decision

Site visit made on 19 November 2024

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2024

Appeal Ref: APP/H1033/W/24/3348508

Land off Long Lane, Chapel-en-le-Frith, Derbyshire, SK23 0TQ

- 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 Gods Plan Ltd (trading as High Peak Retreat) against the decision of High Peak Borough Council.
 - The application Ref is HPK/2022/0484.
 - The development proposed is described as a "Glamping Site, to include 10 glamping units, 5 units for facilities and covered parking for 10 cars".
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Decision

1. The appeal is allowed, and planning permission is granted for a Glamping Site, to include 10 glamping units, 5 units for facilities and covered parking for 10 cars at Land off Long Lane, Chapel-en-le-Frith, SK23 0TQ in accordance with the terms of the application, Ref HPK/2022/0484, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, and on the historic environment.

Reasons

Character and appearance

3. The appeal site is a broadly flat field in agricultural use within defined countryside, accessed from Bank Hall Drive, set close to the settlement edge. A relatively tall railway embankment lies to the immediate east of the site, which has so far acted as a bulwark against the spread of the settlement westwards, with housing built up to its eastern side. To the north is a large, clearly visible school, with housing and a road beyond. Field boundaries are generally mature and well-established, the trees within them limiting and breaking-up longer views across and of the site and its immediate surroundings.
4. The site is visible from Bank Hall Drive as well as from the network of public rights of way in the area and further afield. In those views though, the site is always visible within the context of the settlement as a whole, and in particular, the school, railway embankment, housing to the north-east. In addition, those views are also regularly broken and further backdropped by the well-established field boundaries and groups of trees.

5. Although the site is defined countryside, it has an edge of settlement character. To my mind this is reinforced by the visual effect of enclosure given by the pair of railway lines and their embankments, the B5470 to the north, housing and the wider settlement.
6. The Council's Landscape Character Supplementary Planning Document identifies the site as being in the Dark Peak Settled Valley Pastures area, and sets out its landscape character, acceptable development principles and gives guidance on detailing including the appropriate use of materials.
7. In assessing the visual effects of the proposal, the appellant has submitted a Landscape and Visual Appraisal (LVA), and the Council is satisfied that it has been carried out in line with the proper guidelines. The Council also agrees with the landscape baseline set out within it, including the descriptions of the field-verified visual-envelope around the site. There are a number of points of disagreement between the conclusions of the LVA authors and the Council. These are however, obviously subjective, within the agreed, objective framework of the LVA. Overall, I prefer the evidence of the appellant on the landscape and visual effects of the proposal. Given the scale of development on the site in comparison to its overall size, the inescapability of its context in views of it, whether from closer or longer distances, I am satisfied that the proposal would not cause unacceptable visual harm to the landscape.
8. In reaching this conclusion, I note that the Council considers that an effective planting strategy could reduce some of the visual impacts for distant views, and this can be required by, and then controlled by, condition.
9. I accept that in shorter views from Bank Hall Drive and the immediate surroundings, the proposal would have a greater impact than in longer views. However, I do not find that this would be so harmful as to be unacceptable. The changed views, particularly those from Bank Hall Drive towards the National Park would be experienced within the context of being close to a settlement which has grown over time, and in the obvious appreciation of the appeal site being host to a tourism-related, semi-rural facility on the edge of that settlement. Indeed, in my experience, the appeal site, the approaches to it and the relationship of the site to the settlement are wholly consistent with this broad type of tourism-related development.
10. I note that it is proposed to introduce pathways and tracks within the site, but that it is intended to construct and surface these in a low visibility, rurally-appropriate manner, which can ultimately be controlled by condition. The yurts, glamping pods and shepherds' huts would all be moved into the on-site storage building outside the operating period of the site, with relatively few of the buildings proposed within the site being permanent.
11. I accept that the yurts, glamping pods and shepherds' huts would be spread across the site for more of the year than not. However, as the operating period of the site is proposed to be limited to the warmer months, during those times when visibility of it is likely to be greatest (i.e. when tree and vegetation cover is at its lowest levels) the site would be more open and less prominent. Those buildings and structures which are intended to be permanent are proposed in materials and finishes which would have, in due course, a rather muted and low-key appearance, further limiting the overall visual effects of the proposal.

12. In my reasoning, I do not seek to suggest that the proposal would not be visible. It plainly would. However, given the size of the site, the amount of actual development proposed within it, the size, scale, character and appearance of its backdrop and surroundings, I do not consider that it would have a harmful effect on the character and appearance of the area.
13. I have also carefully considered the development principles set out in the Landscape Character Supplementary Planning Document and am satisfied that the proposal accords with them. Fundamentally it does not erode the landscape character or sense of place of the site or its surroundings, and particular design and detail choices which are specified already and not reserved for approval under condition meet the details set out. Notably the consideration of the impact of hardstanding and surfacing, and the use of timber boarding for the stores, which will weather well and is sympathetic to the landscape.
14. Although the proposal would be visible in long views from and to the National Park, as I have set out, such views would not be possible without also seeing the context of the site, nor would they be possible without the filtering effect of the existing and proposed landscaping and planting. As such, I consider that the proposal would be sensitively located and designed with respect to avoiding adverse impacts on the National Park, as required by the National Planning Policy Framework (the Framework). I note that the Council agrees with this position.
15. The Council has referred to the conclusions of a previous Inspector on a proposal for residential development of land which included this appeal site. The Inspector in the parts of that decision provided to me found that the residential development of the site would intrude into the rural landscape and that whilst it would not have a particularly marked effect on the landscape area as a whole, it would have a locally significant impact on the character of the countryside, with explicit reference being made to the loss of open fields. The appeal proposal before me is plainly markedly different to that. The proposal respects, retains and reinforces the current field patterns and boundaries, retains the majority of the site as visually open, and would retain, in my opinion, a fundamentally open and rural character and appearance.
16. Therefore, whilst consistency is important and like cases should be decided in a like manner, I am satisfied that my conclusions on this appeal are not inconsistent with those of the previous Inspector, but also reflect the very different nature of the proposals being considered.
17. Overall, the proposal would be visible, in short and long views, with greater visibility closer to the site. However, this visibility, whilst representing a change to the character and appearance of the area, would not harm it. I therefore find that the proposal would not harm the character and appearance of the area. In this, it would not conflict with Policies E1, S6, EQ2, EQ3, EQ6, E6 and E7 of the High Peak Local Plan, adopted April 2016 (the Local Plan), the Landscape Character Supplementary Planning Document, the High Peak Design Guide Supplementary Planning Document or national policy in the Framework.

Historic environment

18. The appellant has described the significance of the heritage assets, particularly identified in the decision notice, affected by the proposals. The Council has criticised the appellant for their lack of focus on Bank Hall and its Lodge. Whilst this was referred to in their Officer Report and Statement of Case, unlike Marsh Hall Farm, it was not explicitly mentioned in their Decision Notice. However, given the Council's description of the significance of Bank Hall, its Lodge and Drive, I do not consider this omission to be fatal, and I am satisfied that the level of detail available as a whole is sufficient for me to understand the potential impact of the proposal on the significance of the heritage assets.
19. Despite the Council's criticism, I am also satisfied that the submitted Heritage Statement is appropriate, as it has been prepared with regard to Historic England's guidance on setting, GPA3.
20. I accept that the proposal would have an effect on the setting of Marsh Hall Farm. It would introduce development into the previously rural and at one time, functionally linked land associated with Marsh Hall Farm. The site lies within its wider, historic setting, and I do not find that the appellant seeks to disagree with that. However, that setting has been subject to significant change over time, as has the status and nature of Marsh Hall Farm itself. Notably, the town itself has grown closer to Marsh Hall Farm, and the area has been crossed by railway lines on substantial embankments which have interrupted views and landscapes, and since their construction, become vegetated.
21. I agree that being accessed from, and alongside Bank Hall Drive, the proposal would have an effect on the setting of Bank Hall Lodge by altering the current approach to it. I also note that Bank Hall Drive is the single long approach to the listed Bank Hall and its Lodge. However, that drive is long, and Bank Hall and its Lodge are separated from the site both by distance, changing levels and the railway line. In particular, although the railway viaduct now frames an attractive view of the Lodge, the railway line on its substantial embankment is nevertheless an obvious visual barrier, reinforced by the trees and vegetation which are an inevitable feature of field boundaries and mature transport corridors.
22. The proposal would appear simply as an appropriate, albeit modern use for a site, landscape and area which has clearly been subject to changes and a variety of uses over time. The history of the area, the landscape, the lane and the listed buildings would not be lost to the proposal, but the proposal would instead become another part of that history, in much the same way as the, now valued, railway infrastructure has been. I do not accept that the proposal, given its scale, nature, materials and proposed boundary and landscaping treatments could be reasonably considered as having an urbanising effect on the remote lane. Indeed, whilst the lane has a somewhat rural character, I do not consider that it is remote. It has a well-used public right of way along it and is accessed in the immediate spatial and visual context of the settlement itself, with housing immediately adjoining the railway line to the east, spreading towards the site from the north, and with the school in very clear view.

23. In considering the effects of the proposal on the significance of the heritage assets, I am conscious of the relatively small amount of the site which would be used for the various glamping elements as well as the relatively small amount of permanent built-form being proposed on the site, although I acknowledge that the whole of the site would be affected by the proposal.
24. Taking all of the above together, including my conclusions on character and appearance, I find that giving great weight to the conservation of the heritage assets, then the proposal would not cause any harm to the significance of the listed buildings as heritage assets. The proposal would lead to change in the setting of the listed buildings. However, this is not analogous with harm. The evidence of the appellant and the Council taken together makes plain to me that whilst there would be change within the setting of the listed buildings, that change would not cause harm. The evidence is clear that the listed buildings and particularly their settings have been subject to much change over time, but still retain their significance and special interest. To my mind, the proposal would continue this.
25. I therefore find, having paid special regard to the desirability of preserving the listed buildings or their settings that the proposal would not cause unacceptable harm to the historic environment.
26. The Council has drawn my attention to the conclusions of a previous Inspector who considered the effect of a residential development on this site on the setting of the same listed buildings under consideration here. In that scheme, with the evidence before them, that Inspector found that those proposals would also cause less than substantial harm. Whilst I do not have the details of that proposal, in light of the extract provided, and the inference drawn from it by the Council, I am satisfied that my conclusions on this proposal are consistent with the findings of the previous Inspector, particularly given the details of this proposal.
27. Even if I were to agree with the Council that the proposal did cause less than substantial harm, the Framework then requires that this should be weighed against the public benefits of the proposal. Whilst there is third-party opposition to the proposal, there are nevertheless public benefits. These include overnight visitor accommodation within a recognised tourism growth area, supported by the development plan. The creation of five full-time equivalent jobs, the indirect support for other jobs in the area, including local spending, all on a sustainably located site close to services and facilities are also public benefits of the proposal.
28. In their decision on the application, the Council also referred to a lack of information relating to onsite archaeology. I note that the County Archaeologist now appears to be satisfied with the combination of the archaeological desk-based assessment and the light-touch approach of the proposal in terms of ground works. Coupled with the imposition of proposed conditions, it now appears that the proposal is acceptable in terms of its potential effect on any onsite archaeology and would not cause harm to the significance of any such heritage assets.
29. I therefore find that the proposal would not have an unacceptable effect on the historic environment. It would therefore not conflict with Policies S1, EQ2, EQ3, EQ6 and EQ7 of the Local Plan, the High Peak Design Guide 2018 or national policy in the Framework.

Other Matters

30. Third parties have raised concerns over drainage and flooding, but I note that subject to conditions, there are no concerns on this point from the Council or their consultees. Similarly, I note concerns over biodiversity, but again, conditions could be imposed which would ensure the delivery and implementation of biodiversity enhancement. I am therefore satisfied with that position and my conclusions remain unchanged.
31. I note concerns over the level of need or demand for the proposal, with third-parties in particular highlighting the nearby camp site as offering a similar accommodation offer. However, I do not consider that the two are directly comparable. A more traditional campsite is just that; a site for camping, to which users typically bring their own accommodation. The proposal is explicitly a "glamping" site, with visitors using accommodation provided for them on the site.

Conditions

32. The Council has suggested a number of conditions to be attached, should planning permission be granted. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement and compliance with the submitted plans. I have also imposed detailed conditions concerning scale and appearance, occupation restrictions, tree protection, ecology, landscaping (including its implementation and management), highways, drainage and archaeology.
33. The appellant has confirmed in writing that they have no objection to the terms of the pre-commencement conditions proposed by the Council. It is necessary and reasonable that the information required by these conditions be provided prior to the commencement of development, as these are matters which cannot properly or reasonably be addressed following the commencement of the development.
34. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

35. In making this decision, and reaching my conclusions above, I have had regard to the statutory duty in respect of the purposes for which National Parks are designated. I am satisfied that given its effects on the character and appearance of the area and the historic environment, the proposal would conserve the natural beauty, wildlife and cultural heritage of the area, and by providing visitor accommodation, would promote opportunity for the enjoyment of the special qualities of the area by the public.
36. The proposal is, the Council confirms, acceptable in principle, insofar as tourism is an important part of the local economy, and that the growth of a sustainable tourism economy providing local employment opportunities is supported in the Local Plan.

37. The proposal would deliver benefits allied to that in principle acceptability, including the creation of five full-time equivalent jobs, the indirect support for other jobs in the area, including local spending, all on a sustainably located site close to services and facilities are also public benefits of the proposal.
38. Taking that together with the lack of harm I have found to the character and appearance of the area and the historic environment, I conclude that overall, the proposal does not conflict with the development plan. I do not find that there are any material considerations of such weight to indicate that a decision be taken other than in accordance with the development plan.
39. As such, for the reasons given I conclude that the appeal should be allowed, and planning permission granted subject to conditions.

S Dean

INSPECTOR

Schedule of Conditions

1. The development shall commence within 3 years of the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan ref. 07022 03
Proposed Site Plan Landscaping Details plan ref. 07022 02 Rev B
3. Prior to commencement of development hereby approved, full details of the scale and appearance of the glamping pods (including reception pod), shepherd's huts, yurts (including activity yurt), washing toilet facilities, field storage shelter / bikes, covered car parking area, waste / recyclable storage area and waste treatment / soakaway area shall be submitted to and approved in writing by the LPA. The approved details shall be implemented in full prior to first operation of the development and shall be maintained as such for the lifetime of the development.
4. The operation of the development hereby approved shall be limited to between 1 March and 31 October each year. Outside of this period, all glamping pods (including reception pod), shepherd's huts and yurts (including activity yurt) shall either be stored within the field storage shelter / bikes and / or entirely removed from the approved site. The land shall be restored in accordance with a scheme of work, outlining implementation timescales and shall be submitted to and approved in writing by the LPA prior to first operation. The approved details shall be implemented in full prior to first operation of the development and shall be maintained as such for the lifetime of the development.
5. The 'Activity Yurt' as identified on 'Proposed Site Plan Landscaping Details' plan ref. 07022 02 Rev B shall not be occupied at any time other than for purposes ancillary to the approved development for overnight visitor accommodation.
6. There shall be no stationing of caravans (including touring caravans), mobile homes or tents within the approved site.
7. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a tree protection scheme in accordance with "BS5837:2012 Trees in relation to design, demolition and construction – Recommendations" has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.
8. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

9. Should works commence between March and August (including vegetation clearance, ground works or Introduction of machinery or materials), an ecologist shall first undertake a walkover of the site to check for ground-nesting birds or breeding brown hare. If any bird nests or young hares are identified, appropriate exclusion zones shall be implemented and works delayed within these areas until they are deemed clear by the ecologist. A short statement of compliance shall be immediately submitted to the LPA upon completion of the walkover.
10. Prior to commencement of development hereby approved, full details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details of which shall include:
 - (a) indications of all existing trees and hedgerows on the land;
 - (b) details of any to be retained, together with measures for their protection in the course of development;
 - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (d) finished levels and contours;
 - (e) means of enclosure;
 - (f) car park layouts;
 - (g) other vehicle and pedestrian access and circulation areas;
 - (h) hard surfacing materials;
 - (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants, noting species, plant sizes and proposed numbers/densities and implementation programme. Development shall be carried out in complete accordance with the approved details.

11. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the first operation of any part of the development.

12. Prior to commencement of development hereby approved, a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to and approved in writing by the LPA. The LBEMP shall provide details for the creation, enhancement and management of habitats and species on the approved site area post-development in accordance with the principles as set out in the Additional Ecological Information report (Rachel Hacking Ecology, 2023) and the submitted Biodiversity Metric to achieve the predicted net gains.

The LBEMP shall include the following matters:

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above.
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife.
- k) Requirement for a statement of compliance upon completion of initial planting and enhancement works.

The approved details shall be implemented in full prior to first operation of the development.

13. Prior to the installation of any external lighting fixtures within the approved site area, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to avoid lightspill towards nearby Down Lees and Barlow Farm Fields Local Wildlife Site to safeguard nocturnal wildlife. This scheme shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan must demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). The approved measures shall be implemented in full prior to first operation of the development.
14. Prior to first operation of the development hereby approved, a detailed management scheme shall be submitted to and approved in writing by the LPA of how guests will be informed of the sensitivity of the nearby Down Lees and Barlow Farm Fields Local Wildlife Site and any actions which will be undertaken to avoid/reduce impacts. If any direct access from the approved site shall be provided to the public right of way along the southern site boundary, a scheme for suitable signage to draw attention to the Local Wildlife Site shall also be provided as part of the above scheme. The approved details shall be implemented in full prior to first operation of the development and shall be maintained as such for the lifetime of the development.

15. Notwithstanding any description of the 'public' pedestrian path within the application details and / approved plans, prior to commencement of development hereby approved, full details of a pedestrian path (suitable for public access, including wheelchair users) within the approved site area alongside Bank Hall Drive, together with a scheme of signage and guest management for the consideration given to the safety of members of the public right of way, including drawing attention to the status of Bank Hall Drive as a public footpath shall be submitted to and approved in writing by the LPA. The approved details shall be implemented in full prior to first operation of the development and shall be maintained as such for the lifetime of the development.
16. Prior to first operation of the development hereby approved, the proposed access and internal access road and footpath shall be laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first operation of the development and shall be maintained as such for the lifetime of the development.
17. Prior to first operation of the development hereby approved, the car parking spaces hereby permitted shall be implemented in full and shall not be used for any purpose other than for the parking of private motor vehicles associated with the visitor occupation of the approved site area limited to between 1 March and 31 October each year.
18. There shall be no parking of any vehicle on the approved site excepting the parking of private motor vehicles as specified in Planning Condition 17 above.
19. Prior to commencement of development hereby approved, a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - a. Waterco. (12/05/2021). 13756-FRA & Drainage Strategy-02 and
 - b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first operation of the development and shall be maintained as such for the lifetime of the development.
20. Prior to the first occupation of the development hereby approved, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the approved scheme in Condition 19 above (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

21. Prior to commencement of development hereby approved, until a written scheme of investigation (WSI) for archaeological work and/or historic building recording shall be submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives including:

The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works, and,

The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

End of Schedule of Conditions