

Grounds of Appeal

Appeal relating to HPK/2024/0367

Parcel of Land to the Rear of Green Lane Buxton

Known as

‘Grin Low Leys’

Location and Context

Grin Low Leys is an isolated field bounded by residential dwelling houses to the North and public woodland (colloquially known as Grin Low Woods) to the East, South and West.

Grin Low Woods is part of “Grin Low and Buxton Country Park” an area popular with dog walkers and tourists. Within the woodland/Country Park there is a “Go Ape” facility, 2 x car parks, a café/visitor centre and a caravan site - this area it is not a tranquil wilderness, nor is it rural as the decision notice suggests.

The site is approximately 1.5 acres.

Horses have been kept on and have grazed the land for approximately 30 years.

Proposal

Construction of a 20m x 40m horse riding arena for personal use

The proposed menage shall be used solely by horses residing on the site and not for any commercial purpose such as riding school or livery stables and no equestrian events will be held on the land.

Materials

Fence -timber post and rail.

Surface- surface will be of permeable sand.

To comply with Biodiversity Net Gain requirements native hedges will be planted around the arena thus minimising the visual impact of the proposal.

There will be no artificial lighting to the arena.

Materials for the retaining structure were not specified in the application however the preferred solution would be to slope the earth/distribute it evenly over the field filling any ruts and seed with grass-the applicant is happy for this to be addressed with conditions.

Access

There will be no change to the existing, long standing access to the site.

Decision

The application was refused on the basis that:

1. The proposal will result in significant and adverse harm to both the character of the street scene and rural landscape, contrary to Local Plan Policies S1, EQ2, EQ3, and EQ6, the Landscape Character Assessment SPD (2006) and relevant paragraphs contained under Chapter 12 of the NPPF.
2. In the absence of a sufficiently detailed assessment of ecological assets in relation to the nearby adjacent SSSI, it is not possible for the Council to conclude that the proposed development will not result in any adverse harm to habitat or protected species, and as a consequence, the application in its current form is contrary to Local Plan Policy EQ5 and relevant paragraphs contained under Chapter 15 of the NPPF.

Grounds of Appeal

Consultation

Various people were consulted for this application including Archaeology, Derbyshire County Council Highways, Derbyshire Wildlife Trust and local residents. None of those consulted, or anyone else for that matter, objected to the proposal although some recommendations/requests for further information relating to the proposal were made-all of which we are happy to supply, alternatively they can be addressed with conditions.

Policy Referenced in the Decision Notice

S1

Minimising the need to travel by promoting development in locations where there is access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport with minimal reliance on the private car;

At present the applicant is required to transport her horse to the local riding school some 2 miles distant by horse box or ride on the road. The proposal will enable her to school her horses on site thus reducing the need to travel and also improve road safety.

Minimising the risk of damage to areas of importance for nature conservation and/or landscape value, both directly and indirectly and ensuring that there is suitable mitigation for a net gain in biodiversity and the creation of ecological networks;

The current site is poor quality grazing land with little biodiversity-the proposal will introduce native flora to the site which in turn will provide habitat for wildlife and act as a carbon sink-see biodiversity mitigation strategy-in essence the proposal will in fact improve biodiversity.

EQ2

Comments

The biodiversity mitigation strategy addresses this policy

Policy EQ3

“Supporting equestrian development where it does not have an adverse impact upon the character and appearance of the area”

High Peak Local Plan 2016: Policy EQ3

The planting around the arena means that there will be no adverse impact on the character / appearance of the area- the lack of local objections also supports this. The site is not visible from the street. To minimise any adverse impact upon the

character or appearance of the site the arena will be sited on the periphery of the field close to the existing stables and access.

Policy EQ6

Design and Place Making

All development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place. This will be achieved by: Requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes Requiring that development on the edge of settlement is of high quality design that protects, enhances and/or restores landscape character, particularly in relation to the setting and character of the Peak District National Park Requiring that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features Requiring that development achieves a satisfactory relationship to adjacent development and does not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity

High Peak Local Plan 2016: Policy EQ3

Comments

The street scene will not be affected. The proposed arena is some 55m or thereabouts from the street, large, detached dwellings on Green Lane obstruct visibility from the street. The foot path through the woods is approximately 30m away.

As this is cut and fill any retaining structures will not project beyond the existing ground levels and will be screened by the proposed planting specified in the Biodiversity Net gain strategy.

The application site is not considered to be of any ecological value. The proposed planting of native hedges around the arena will ensure that there is no net loss of habitat with an opportunity, through the selection of more appropriate native species, to improve the quality of habitat across the wider landscape.

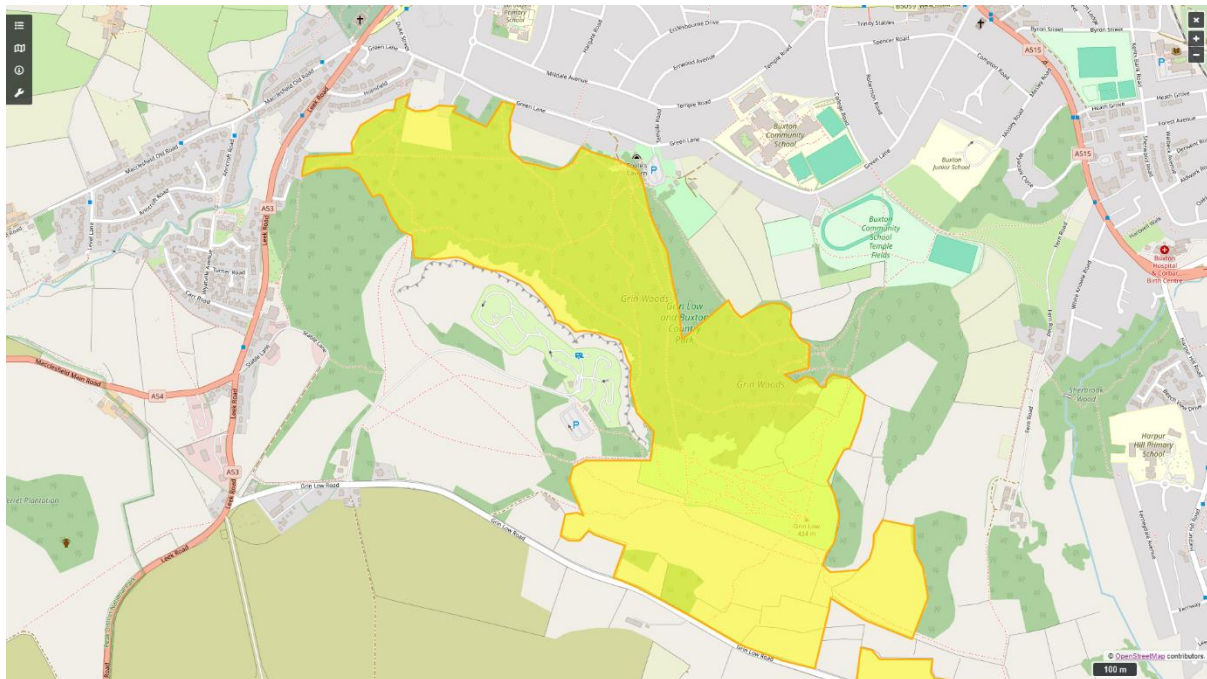
This is not a commercial development, the size of the plot is sufficient to sustain no more than 3 horses.

The site is not part of an agricultural holding therefore there will be no loss of agricultural land.

At its closest point the Peak District National Park boundary is approximately 1 mile from the site.

Response to the Delegated Report

The delegated report suggests the site forms part of the Grin Low Limes Kilns- this is not the case. The map below was lifted from Derbyshire County Councils



website and clearly shows the site is outside of the Lime Kilns area highlighted yellow.

Derbyshire County Council

Therefore, comments referring to adverse harm to the rural landscape or street scene are non-applicable to area the site resides in. Furthermore, the Conservation officer has no concerns with the impact the proposal will have on the Limestone Moorland.

In many instances regarding this proposal, reference to lighting for the development has been mentioned. As the development will not be used for any

commercial purposes and only for the personal enjoyment of the applicant, there is no need for any lighting fixtures. The site would only be in use during times of adequate visibility. Therefore, any reference to the impact lighting may have to the surrounding area is unnecessary.

On page 10 of the delegated report, it states that the ‘proposed development will not give rise to any adverse harm to public or residential amenity’. The term "amenity" is frequently used in planning documents such as the NPPF to describe an area's character or quality as well as the components that add to its overall appeal.

If ‘Amenity’ and ‘Character of an Area’ can be used interchangeably and the development will not have an adverse impact on the amenity of the surrounding area, then the same can be said for the character of the area. Since there is already very limited visibility from the street, there should be an even smaller impact on the character of the area as seen from Green Lane.

Precedent

HPK/2016/0305: Storth Meadow Farm Simmondly

Proposal: Provision of new horse exercise and turnout area

Outcome: Approved

Comments

Storth Meadow Farm is just outside the settlement boundary area of Simmondley in open countryside bordering the Peak District National Park.

HPK/2018/0051: Lower Hague High Peak Derbyshire SK22 3AP

Proposal: Change of use of an existing agricultural barn to part equestrian/part agricultural and **the provision of a new 20m x 40m horse riding arena**

Outcome: Approved

Comments

HPK/2018/0337: Fern Farm Buxton SK17 9NP

Proposal: New covered riding arena

Outcome: Approved

Comments

Like the proposal this site is visible from Grinlow Woods and was constructed outside of the development boundary. This is an enclosed arena within a permanent steel framed structure and is much larger than the proposal with an area of approximately 30m x 50m.

Conclusion

The equestrian menage is to complement the existing stables on the site. There will be no lighting around the arena. The enclosure will be fenced with a rustic post and rail timber fence, with planting on all four sides as per the biodiversity mitigation strategy which in turn will screen any retaining structure should one be necessary.

The site is barely visible from the street, impact on the street scene will be minimal.

APPENDIX A PHOTOS



View from the street-note this image was taken in February when vegetation cover is minimal



View from the site of the proposed arena facing the street-which is screened by houses, is not visible and is clearly some distance away to be affected by the development. This image also demonstrates the poor quality of the ground and lack of biodiversity.