
Appeal Decision

Hearing Held on 4 September 2018

Site visit made on 4 September 2018

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26th September 2018

Appeal Ref: APP/H1033/W/17/3191572

Land off Combs Road, Combs Road, Combs, Chapel-en-le-Frith SK23 9UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lakefield Developments against the decision of High Peak Borough Council.
 - The application Ref HPK/2016/0580, dated 13 October 2016, was refused by notice dated 3 October 2017.
 - The development proposed is holiday accommodation comprising 14 units, site manager's living accommodation and 2 detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are, having regard to local planning policy and any other material considerations;
 - the effect of the proposal on the character and appearance of the area, and
 - whether the site is in a suitable location for development.

Reasons

Character and appearance

3. The built form along Manchester Road itself is sporadic and predominantly linear. Development in the surrounding area is seen within the setting of small, spacious clusters, which appears to have evolved organically through the conversion of small farms and outbuildings, and these are seen sporadically within the surrounding hillsides and valleys. The appeal site would be seen against a backdrop of Gate Keeper Cottage and the public house, these are properties that have an active engagement with linear form of development along Manchester Road. However, the proposal would not interact with Manchester Road and would not follow that established grain of development. The introduction of built form at this site would encroach towards the reservoir and would be intrusive to the open nature of the area.
4. Long distance views of the proposal would be readily visible from Ladder Hill and across the reservoir. Whilst these may be slightly shielded during daylight,

the trees would not provide a full boundary, and due to the sloping gradient of the land the development would be particularly visible during the winter months and in the evening.

5. The proposed layout would set the two residential units at an angle to face the access way to the development. These would be served by long driveways, with single storey garages to the front. Whilst the design influence for the garages is suggested to be influenced by barn structures, the plans demonstrate that the first impression of the development would be an array of harsh, non-descript built form akin to an urban development. This would be entirely at odds with the sporadic, open and rustic character of the dwellings in the area generally.
6. The holiday accommodation would be designed as a row of terraced cottages. The terrace would stretch along the front of the site for a considerable distance, creating a visual barrier. The size of the terrace would fail to respond to the more modest clusters of cottages that are seen along Manchester Road, and within Chapel-en-le-Frith itself. The terrace would have a fairly uniformed ridge height and this, along with the regimented design of the windows on both floors would further introduce an urban element, and would be exasperated by the presence of this uniformed design along the length of the terrace. This would result in a formidable, visual block of development, which would appear as an obtrusive addition to this location as the more traditional cottages tend to be located on lanes or roads and have active frontages.
7. The site manager's accommodation would be situated to the rear of the terrace. The unit would be a generous, detached house, facing inwards towards the site. It would be largely obscured by the terrace of holiday accommodation, and open market units. The design of the proposal would be traditionally domestic in appearance, which would reinforce the urban nature of the development.
8. When considered in its entirety, the layout and design of the proposal would create a modern and urbanised development. It would loosely acknowledge the traditional features of the historical attributes of the area, but these would not be incorporated in a way that softened the overall urban form of the proposal. The High Peak Design Guide 2018 suggests that sites may be capable of accommodating traditional and contemporary forms of development, and that design should not slavishly copy the local tradition. However, in a site such as the appeal site, where it would be introducing a large volume of built form to a sensitive area, it is my view that the design should be as sympathetic as possible to the character of the surrounding area.
9. Whilst this urban form of development might be akin to the development in Chapel-en-le-Frith, the site is not within the built up area boundary. Nor is it adjacent to the built up area boundary. The rows of terraced cottages referred to by the appellant are generally seen as isolated rows, and therefore have a modest and low visual impact on the area. Reference is made to nearby barn conversions, and I take the point that some additional features such as chimney would be incorporated as the development would be entirely new, there would be no conversion. However, in such a case the positive attributes of barns style structures should be explored and enhanced, including the variation in mass and scale.

10. The appeal site would be an intense cluster of development, and no particular aspect would appear to truly reflect a traditional setting of a rural collection of buildings. Although the use of traditional materials would be beneficial, the overall scale of each element, along with the significant level of uniformed design, and absence of variation, would create a mass of development that would be harmful to the character and appearance of the area.
11. Accordingly the proposal would result in a harmful development that would fail to respond to the character and identity of the area due to the scale, layout and appearance of the design. It would conflict with Policies H1, EQ3 and EQ6 of the Local Plan insofar as those policies collectively seek to protect the landscape's intrinsic character and integrity. The proposal would conflict with Policy H3 of the CNP which requires development to reflect the characteristics of settlements within the parish.
12. Despite having found that the proposal would cause harm to the character and appearance of the area, and conflict with the Local Plan, it is necessary for me to consider whether there are any material considerations that would outweigh this conflict.
13. In 1991 planning permission was granted under reference HPK/0003/0011 for holiday accommodation comprising 14 units, site managers accommodation and two detached dwellings (the 1991 permission), reserved matters were approved in 1994. In 1996 the council wrote to the owner of the site and confirmed that the development had been commenced and would therefore not expire on 26 July 1996 but would be regarded as being extant.
14. A considerable amount of time was spent at the hearing discussing the 1991 permission. The layout of the 1991 permission conflicts with a sewer that runs through the site. It was confirmed at the hearing that the utility company had advised the appellant to seek to rearrange the site layout to accommodate the line of the sewer. In the event that this was unsuccessful the appellant would need to arrange for the sewer to be diverted in order to enable the site to be developed as per the 1991 permission. In addition, the appellant considers that the layout and provision of the holiday units as per the 1991 scheme would not adequately address the tourism needs for modern day purposes. Therefore an amended scheme would, in the appellant's view, be preferable.
15. There are constraints with regards to the 1991 permission, and I have some doubt in respect of the actual commitment of the appellant to continue with its implementation, as demonstrated by the age of the permission, the need to address the sewer pipe, and the suitability of the units.
16. However, having considered all of the evidence I find that the 1991 permission, whilst not the preferred option for the appellant, could be completed. Accordingly there is a possibility that the 1991 permission would be implemented and this establishes a 'fallback position' at the appeal site which is a material consideration to which I attach substantial weight.
17. It therefore follows, having regard to the ability to construct the 1991 permission, that I must consider whether the proposal before me would be more or less harmful than the extant 1991 permission. The proposal would have a slightly smaller footprint than the 1991 permission. In addition the proposal would avoid development being located in the Local Green Space and

would provide a footpath to link to Combs Lane. These factors are benefits which can be attached to the proposal.

18. However, the design elements of the 1991 permission would respond in a more natural and cohesive way to the local built environment. The layout of the site in the 1991 permission would create a more spacious layout, with a larger more visually functional courtyard arrangement. The 1991 permission would create seven blocks of development. Whilst this would be an increase over the proposal which would create five blocks of development, it would reflect the dominant nature of the outbuilding concept and grain of development found in the surrounding area.
19. The 1991 permission would reflect the rural, slightly disjointed architectural nuances of the built form in this area. Contrary to assertions that the 1991 permission was overly fussy, it would reflect the array of traditional features, rather than taking one or two aspects and recreating them en-mass. The 1991 permission has a more sporadic and natural approach to the design of the specific units. Each element responds to the rural character, whilst also introducing modern designs, as encouraged by the council's policy. Specific attributes, such as the use of the archway, would replicate local features found in Combs village and create interesting and varied form of design within the development.
20. As a result, even if the 1991 permission were to be completed, I find that it would have a less harmful impact on the character and appearance of the area than the proposal.

Location of development

21. The appeal site comprises an irregular parcel of land adjacent to residential properties and the Hanging Gate Public House on one side. The site slopes away towards the Chapel-en-le-Frith golf club, and beyond that the Combs Reservoir SSSI. Part of the site lies within designated Local Green Space.
22. The site falls outside of the built up area boundary of Chapel-en-le-Frith and for policy purposes is within open countryside. Policy S3 of the High Peak Local Plan 2016 (the Local Plan) sets out the amount of housing required over the plan period, and allocates the number of units to be provided with the Chapel-en-le-Frith Neighbourhood Plan (CNP) Area. The development is not required to meet the housing target requirements of the Local Plan or the CNP.
23. The scale and location of the development would not satisfy Policy H1 of the Local Plan, which provides a number of scenarios where development outside of the defined built up area boundary would be permitted. Accordingly, with regards to the provision of the two open market units, the proposal would conflict with both the Local Plan and the CNP.
24. There is support for the promotion of Peak District Tourism by the council. Whilst the site is located some distance beyond the built up area of Chapel-en-le-Frith, the development would provide a footpath across the site to Combs Road to link up the existing footpath on Combs Road. It would also be possible to cycle into the village. However the emphasis for the provision of tourism facilities is for them to be located within towns and villages. Policy TM1 of the CNP supports tourism proposals provided they accord with the other relevant policies of the plan. Therefore with regards to the holiday accommodation, I

find that the proposal would conflict with Policy E6 of the Local Plan and Policy TM1 of the CNP in respect of the location of the proposal.

25. As stated previously in my reasoning, I consider that the 1991 permission provides a fallback position. That fallback position is a material consideration to which I attach substantial weight. Accordingly in this regard I find that the conflict with the policies referred to in paragraphs 21 to 24 above would be outweighed by other material considerations, namely the fact that the site could lawfully be developed to provide a scheme for 14 holiday units, site manager's accommodation and two dwellings, in accordance with the extant 1991 permission.

Other matters

26. Local residents object to the proposal on a wider basis, including concerns regarding the impact of the proposal on the highway network, flooding, impact on the SSSI, living conditions of neighbouring occupiers. We spent time discussing these matters at the hearing. However, on the basis of the evidence before me, these matters are not determinative in my conclusion. I am dismissing the appeal on other substantive matters, and I do not need to consider these matters further in this regard.

Conclusion

27. Planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.
28. I have found that the proposal would conflict with the development plan.
29. The conflict with those policies which seek to allocate land for development for housing or tourism would be outweighed by the material consideration of the fallback position.
30. However, I do not consider that material considerations, with specific consideration of the fallback position, exist that would outweigh the conflict with the development plan in respect of the harm to the character and appearance of the area.
31. Therefore the proposal would conflict with the development plan as a whole, and material considerations have not been demonstrated that would outweigh that conflict. For the reasons given above, and taking into account all other matters raised, the appeal should be dismissed.

J Ayres

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Jane Colley	Senior Planning and Enforcement Officer
Mr Mark Ollerenshaw	Planning Officer

FOR THE APPELLANT:

Mr Guy Evans	Cassidy and Ashton
Mr Elwyn Jones	Design Mix

INTERESTED PERSONS:

Mrs Ann Chapman	Resident
Mr Lee Forman	Resident

DOCUMENTS SUBMITTED AT THE HEARING

High Peak Design Guide, 2018

Location Plan to assist identify views from Ladder Hill

Summary and Conclusions statement of Local Planning Authority

Attendance List

Plans of the 1991 Permission were presented at the hearing. Electronic copies of these were subsequently circulated at the request of the Inspector and with agreement from the Council.