

Caulmert Limited

Engineering, Environmental & Planning
Consultancy Services

Thorncroft, Lower Hague, New Mills, SK22 3AP

Mr & Mrs K Povah

**Demolition of existing outbuilding and erection of a single self build dwelling
with associated landscaping works (LPA Ref: HPK/2024/0495)**

Appeal Statement

Town & Country Planning Act 1990 (as amended)

Planning and Compulsory Purchase Act 2004

Prepared by:

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Document Reference: 6187-CAU-XX-XX-RP-T-0300.A0.C1

June 2025



APPROVAL RECORD

Site: Thorncroft, Lower Hague, New Mills, SK22 3AP

Client: Mr & Mrs K Povah

Project Title: Demolition of existing outbuilding and erection of a single self build dwelling
with associated landscaping works (LPA Ref: HPK/2024/0495)

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Report Status: **FINAL**

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Author	Neil Arbon Associate Director of Planning	Date	09/06/2025
Reviewer	Jenny Coxon Principal Planner	Date	12/06/2025
Approved	Neil Arbon Associate Director of Planning	Date	27/06/2025

Revision Log			
Revision	Description of Change	Approved	Effective Date
P0	Initial Release	NDA	12/06/2025
C1	Final	NDA	27/06/2025

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QUESTION	ANSWER
Name of LPA	High Peak Borough Council
LPA reference number	HPK/2024/0495
Date of the application	Made valid on 12 December 2024
Did the LPA validate and register your application?	Yes
Did the LPA issue a decision?	Yes
Date of LPA's decision	Decision Issued on 6 February 2025
Is the address of the affected land the same as the appellant's address?	No
Does the appeal relate to an existing property?	No
Is the appeal site within a Green Belt?	Yes
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account?	No
Has the description of the development changed from that stated on the application form?	Yes Please enter details of the proposed development. Demolition of existing outbuilding and erection of a single self build dwelling with associated landscaping works
Area (in hectares) of the whole appeal site	0.09 ha
Area of floor space of proposed development (in square metres)	75.7 m²

<i>Does the proposal include demolition of non-listed buildings within a conservation area?</i>	No
QUESTION	ANSWER
<i>Which procedure does the appeal follow?</i>	Written Representations
<i>Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?</i>	No
<i>Is it essential for the Inspector to enter the site to check measurements or other relevant facts?</i>	Yes To ensure that the Inspector is able to take account of all material considerations.
<i>Do you have a separate list of appendices to accompany your full Statement of Case?</i>	Yes
<i>Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?</i>	No
<i>Have you made a costs application with this appeal?</i>	Yes
<i>Which site ownership certificate applies?</i>	Certificate B
<i>Does the appeal site form part of an agricultural holding?</i>	No
<i>Have you sent other appeals for this or nearby sites to us which have not yet been decided?</i>	No

Appeal Statement

TABLE OF CONTENTS

1.0	INTRODUCTION	1
2.0	THE MAIN ISSUE	2
3.0	THE APPEAL SITE AND WIDER CONTEXT	3
3.1	The Site	3
3.2	The Surrounding Area	3
4.0	RELEVANT PLANNING HISTORY	4
5.0	PREVIOUSLY DEVELOPED LAND	6
6.0	PROPOSED DEVELOPMENT	7
6.1	Summary	7
6.2	Use and Amount	7
6.3	Scale Appearance and Layout	7
6.4	Access and Parking	7
7.0	SPECIALIST ASSESSMENTS	8
7.1	Bat Survey Report	8
7.2	Highways Access Appraisal	8
7.3	Landscape and Visual Appraisal	9
8.0	OVERVIEW OF OFFICERS REPORT	12
9.0	APPELLANT'S CASE	14
9.1	Adopted Development Plan Policies Referred to in the RfR	14
9.2	Development Plan Policies with which the Appeal Proposal is Compliant	15
9.3	National Planning Policies Referred to in the RfR	15
9.4	Analysis of the Reason for Refusal in the Context of the Adopted Development Plan 15	
9.5	Having Regard to the Circumstances of the Case – Principle of Development	18
9.6	Having Regard to the Circumstances of the Case – Biodiversity Net Gain	20
10.0	OTHER MATERIAL CONSIDERATIONS	22
10.1	The Balancing Exercise	22
11.0	CONCLUSION	23

1.0 INTRODUCTION

- 1.1.1 Caulmert Ltd have been instructed by Mr & Mrs K Povah (the “Appellant”) to act on their behalf in respect of an appeal against the refusal by High Peak Borough Council (the “Local Authority”) of planning application reference: HPK/2024/0495 (the “application”).
- 1.1.2 The application relates to the development of land at Thorncroft, Lower Hague, New Mills, SK22 3AP (the “appeal site”).
- 1.1.3 The description of the development (the “appeal proposal”) as it appears on Forms 1APP is:
- Demolition of existing outbuilding and erection of a single self build dwelling with associated landscaping works.*
- 1.1.4 This Statement of Case is submitted pursuant to the Town and Country Planning (Written Representations) Procedure (England) Regulations 2009 (as amended).

2.0 THE MAIN ISSUE

2.1.1 The application was refused for two reasons which are as follows:

1. *The proposed dwelling lies within an area of countryside, whereby Policies EQ3 and H1 apply. The dwelling would not meet any of the exceptions listed in Policy EQ3 for the provision of a new residential dwelling and would not meet Policy H1 in that it does not adjoin the built-up area boundary or have reasonable access to local services and facilities by foot cycle or public transport. As such the principle of development is considered to be unacceptable, resulting in an unsustainable form of development, contrary to Policies EQ3 and H1 of the High Peak Local Plan 2016 and the National Planning Policy Framework.*
2. *The applicant has claimed that the proposed development is a self build. However, no details have been provided to explain who the first occupant of the dwelling would be, their input to the development proposal and therefore on this basis the dwelling cannot be considered as a self build. In the absence of biodiversity metric, the development fails to comply with paragraph 13 of Schedule 7A of the Town and County Planning Act 1990.*

2.1.2 The Appellant's position is that to allow the appeal would accord with the (up to date) Development Plan when read as a whole, and so applying the 1st limb of s.38(6) of the 2004 Act and as per Paragraph 11 c) of the National Planning Policy Framework (the "NPPF"), planning permission for the development should be granted without delay.

3.0 THE APPEAL SITE AND WIDER CONTEXT

3.1 The Site

- 3.1.1 The site comprises an area of land belonging to the residential property referred to as Thorncroft and is currently occupied by a building (the “outbuilding”). The outbuilding is used for purposes (storage) incidental to the enjoyment of the existing dwelling, referred to as Thorncroft (the “parent property”) and forms part of the domestic planning unit.
- 3.1.2 The outbuilding, which remains in its original form, is permanent in nature, of substantial construction, and in a good state of repair. Sitting on a concrete plinth it occupies a volume of 212.35m³.
- 3.1.3 The outbuilding is timber clad and hosts four stable doors and associated windows. An overhang runs along the length of the outbuilding.
- 3.1.4 There is access to it along a grassed track which runs east from the parent property’s driveway to/from the main highway, the B6101.

3.2 The Surrounding Area

- 3.2.1 The parent property dates from the late 20th Century. The dwelling is split-level, faced in a mix of stone and render, and sits under a pitched, concrete tiled roof. The property with gated access, is set below the level of the road (the B6101).
- 3.2.2 The site is bordered to the northeast by the live Hope Valley railway, which passes through the Goyt Valley at this point, and links New Mills Central (located approximately 1.3km east/southeast of the site) with Sheffield, and Manchester Piccadilly. The live line runs past the appeal site along a cutting, and the tracks are situated well below ground level within the site. The cutting is screened from the site by a belt of mature landscaping, which is within the ownership of and maintained by Railtrack.
- 3.2.3 Surrounded on three sides by development, the site is experienced in the only long view of it from the south, within the context of the existing townscape.
- 3.2.4 There is a neighbouring dwelling to the east, separated from the site, by mature landscaping. To the south, southwest and southeast, the development site gives onto open land (within the ownership of Thorncroft).

4.0 RELEVANT PLANNING HISTORY

4.1.1 From a review of the Local Authority's publicly accessible database, there are several applications associated with the site. They have been detailed in Table 1.

Application reference	Description of Development	Decision	Date
HPK/0003/3130	<i>One detached house and garage</i>	Refused	1994
HPK/2017/0219	<i>Proposed demolition of existing outbuilding and erection of a single dwelling</i>	Refused	December 2018
APP/H1033/W/19/3229290	<i>Appeal against application HPK/2017/0219</i>	Dismissed	June 2020
HPK/2021/0058	<i>Certificate of Lawful Development for the proposed removal of existing outbuilding, erection of new outbuilding comprising Motorbike Store, Garden Store, Workshop. Creation of additional hardstanding in the form of permeable gravel which will serve as access to the new outbuilding</i>	Refused	August 2021
APP/H1033/X/22/3312138	<i>Appeal against application HPK/2021/0058</i>	Dismissed	October 2023
HPK/2022/0478	<i>Extension to existing outbuilding.</i>	Approved	December 2023

4.1.2 In 2017 an application (reference: HPK/2017/0219) was submitted for the *proposed demolition of existing outbuilding and erection of a single dwelling* (the "2017 Application"). The 2017 Application was refused in December 2018 solely on grounds of impacts on the openness of the Green Belt and impact on the character and appearance of the surrounding area. Matters that, in its determination of the 2017 Application, the Local Authority raised no objection to matters including (but not limited to):

- Ecological impacts;
- Access arrangements and highway impacts; and
- Amenity impacts

4.1.3 Most recently (in December 2023), under application HPK/2022/0478, planning permission was granted for an extension to the existing outbuilding (by way of a proportionate extension to the south facing elevation) (the "2023 Permission"). As a result of the extension approved

under the 2023 Permission, would increase the volume of the outbuilding from 212.35m³ to 281.88m³. This additional 70.04m³ of built volume is an approximate increase of 33%.

- 4.1.4 In determining the 2023 Permission the Local Authority concluded that *the proposed extension will not be considered a disproportionate addition to the existing stable building. The proposed end development will maintain a single storey appearance and remains a modest addition to the existing structure. The proposed extension will not harm the openness or character of the green belt as it will assimilate well with the existing building and will not detract from the openness of the site.*

5.0 PREVIOUSLY DEVELOPED LAND

- 5.1.1 The site, forming part of the domestic planning unit to Thorncroft, contains an outbuilding originally erected for use as stabling and now used for purposes (storage) incidental to the enjoyment of the existing dwelling. As such, the site is previously developed land.
- 5.1.2 The Local Authority, throughout the site's recent planning history, has accepted this position. In its determination of the 2017 Application, the Local Authority stated: *it is acknowledged that the proposal can be considered to be re-development of a brownfield site/previously developed land.*

6.0 PROPOSED DEVELOPMENT

6.1 Summary

- 6.1.1 The Appellants are seeking to erect a single dwelling (to replace the existing outbuilding) with associated landscaping and access works. The proposed dwelling is best described with reference to the accompanying DAS, but a summary is provided in the succeeding sections.

6.2 Use and Amount

- 6.2.1 The proposal will deliver a three-bed dwelling, laid out over a single floor of accommodation, offering approximately 75.7sqm of gross internal floor area, the detail of which is set out within the floor plans accompanying the submission.

6.3 Scale Appearance and Layout

- 6.3.1 In terms of scale, the proposed dwelling will occupy a footprint of approximately 104m² and contain an approximate volume of 281.88m³ (consistent with the extended outbuilding approved under the 2023 Permission).
- 6.3.2 The proposed ground floor level will be set approximately 360mm lower than the existing outbuilding's floor level but will have the same height to ridge (approximately 3.1m) and height to eaves (approximately 2.3m) as the existing outbuilding (when measured from external ground levels).
- 6.3.3 The proposal will have its elevations faced in natural vertical timber cladding sat beneath a pitched roof with grey sinusoidal roof covering. The intention is to recreate the appearance of the existing outbuilding.
- 6.3.4 The dwelling will retain the existing, traditional overhang and see the addition of aluminium framed windows and doors. Five roof lights are proposed in the rear roof plane.
- 6.3.5 The location of the dwelling will remain in the same location as the existing outbuilding.

6.4 Access and Parking

- 6.4.1 The existing access to the site will be retained, with improvements proposed to the access' visibility (Section 6.2 of this statement refers). The proposal will see the introduction of two car parking spaces, referred to as 'P1' and 'P2' on the proposed site plan.

7.0 SPECIALIST ASSESSMENTS

7.1 Bat Survey Report

- 7.1.1 In July 2024, a Bat Survey Report was prepared by Estrada Ecology. The purpose of the report is to *identify and describe any ecological constraints to the proposals for the site in relation to roosting bats and by association, nesting birds; and to set out avoidance, mitigation, compensation and enhancement measures to ensure compliance with relevant nature conservation legislation, where appropriate.*
- 7.1.2 The report finds that the outbuilding has *negligible suitability to support roosting bats and can be demolished without any further consideration of this species group.*
- 7.1.3 In terms of external lighting, the report states that this *needs to be bat friendly and will avoid lighting the tree line to the north of the site. This can be achieved by utilising the advice in the Bats and Artificial lighting at Night Guidance (ILP, 2023).*
- 7.1.4 The report has also included *standard reasonable avoidance measures have been included to ensure that nesting birds are protected throughout the demolition work.*
- 7.1.5 The report finds that no compensation is required, but has recommended the following enhancement measures:
- *2 x integrated bat boxes to be installed in the south and west elevations of the new dwelling; and*
 - *2 x integrated swift boxes to be installed in the east elevation of the new dwelling.*
- 7.1.6 The report concludes that all the *mitigation and enhancement measures can be secured by suitably worded planning conditions.*

7.2 Highways Access Appraisal

- 7.2.1 A Highways Access Appraisal (“HAA”) has been prepared by LTP. A HAA was previously prepared for proposed residential development on the site back in 2017 (to support the 2017 Application. On this, the HAA states that:

It should be noted that there was no highways-related Reasons for Refusal (RfR) associated with the [2017] application. This HAA has been produced to provide an update to the original report.

- 7.2.2 Key findings of the HAA are summarised as follows:

Speed Survey

A speed survey was carried out for existing vehicle flows on Lower Hague. The calculated 85th percentile speeds on Lower Hague in the vicinity of the existing access are 28.0mph for the westbound direction and 29.0mph for the eastbound direction.

Visibility Requirements

Using the Manual for Streets (MfS) Stopping Sight Distance (SSD) formula to calculate the actual SSD for the recorded vehicle speeds results in required 'Y' splay distances of 39m and 41m for the westbound and eastbound approaches, respectively. However, as requested by [Derbyshire County Council "DDC"] Highways, the required visibility splays have been amended using a driver reaction time of 2.0s and deceleration rate of 3.75m/s, resulting in minimum sightlines of 2.4m x 43m and 2.4m x 45m to the right and left of the access junction respectively.

Junction Visibility Splays at 2.4m 'X' distance

Without any physical works, visibility to the left is 38.5m short of the required 45m by DCC Highways, with visibility to the right of the access 35.1m short of the required 41m.

- 7.2.3 With the visibility to the left (when exiting the site) currently falling short of the 45m required by DCC Highways, the highways expert prepared a plan based on a topographical survey (Appendix 4 of the HAA refers). The plan demonstrates that *subject to the existing stone wall (either side of the access) being removed or realigned... the requested visibility splays (2.4m x 43m and 2.4m x 45m to the right and left of the access respectively) can be achieved.*
- 7.2.4 The HAA confirms that the visibility splays will *be secured across third-party land by a separate legal agreement and expects the Local Authority to secure the implementation of the visibility splays via a condition.*
- 7.2.5 The HAA concludes that *a suitable access can be created onto Lower Hague to serve the existing property and additional development of a residential dwelling.*

7.3 Landscape and Visual Appraisal

- 7.3.1 A Landscape and Visual Appraisal ("LVA") has been prepared by TPM Landscape. The LVA report *assesses the landscape and visual baseline of the surrounding landscape to determine the potential landscape and visual impacts that might result if the site was developed for the purposes proposed.* The report also considers the impacts of the proposal on the Green Belt.

Landscape Effects

- 7.3.2 On the matter of the landscape effects of the proposal the LVA states:

The site lies within a settled valley landscape character area and within the broad influence of the linear village of Lower Hague.

The landscape effects of development on the site would see a slight increase in the overall built footprint of the existing stable building site. When compared against a baseline of the approved extended building the proposals offer a structure that mirrors the approval in footprint, form, height, scale and massing. Visually the site is extremely well contained by substantial vegetation and protected from views from the north by a combination of being set at a lower level than the B6101, the rail line; and intervening woodland.

The key characteristics of the landscape will be protected with no change to woodland or trees; no change to features such as hedgerows or stone walls; no change to the pattern of farming or lanes and only a very minor alteration to the existing settlement pattern. When compared with the baseline of the approved extended building this minor change is also removed with the proposed building mirroring the footprint, massing and appearance of the approved building.

Lower Hague will remain a linear settlement following the valley and the proposed building will make no change to the perception and appreciation of the village.

Visual Effects

7.3.3 In terms of visual effects of the proposal, the LVA finds that:

Opportunities to view the site are limited to glimpses through the existing entrance for Thorncroft and glimpsed and filtered views from the highway looking up the slopes from the south.

Green Belt

7.3.4 In terms of the impact of the proposal on the Green Belt, the LVA finds that:

When the site and the proposals are considered against the purposes of Green Belt very few if any of the purposes are supported or represented leading to the conclusion that the removal or development of the site would not be detrimental to the existing Green Belt and that the function and purposes of the wider Green Belt in the landscape around Lower Hague would be protected.

With regard to the question of openness, the site is visually well contained with no significant visual effect identified. The proposed development follows the footprint massing, height and scale exactly of the approved extended building and therefore can be seen to benefit also from the Local Planning Authorities confirmation that no harm would be brought to bear upon the openness of the Green Belt.

The development of the proposals will have no effect on sprawl or the extension of settlement as the sub-urban garden, outbuildings and Thorncroft property already constitute a development form that is different to an open Green Belt site and in step with the washed over status of the village within Green Belt.

Conclusions

7.3.5 The LVA concludes that:

The proposals are for a modest change to the built form within the broad setting of an existing linear settlement. The landscape and visual impacts of this proposed development would be minimal and restricted to the immediate boundaries and curtilage of the Thorncroft property. When compared against the baseline of the approved extended building the landscape and visual effects are negligible with only minor changes in materiality and appearance.

The proposal site lies within Green Belt that includes washed over settlement. In terms of openness the proposed development would offer no real change to this part of the Green Belt which already includes residential settlement and other associated land uses in the form of the linear village of Lower Hague. The Local Authority have confirmed that, when compared against the baseline of the approved extended building there will be no harm to the openness of the Green Belt.

8.0 OVERVIEW OF OFFICERS REPORT

8.1.1 The appeal proposal was determined under delegated powers. Turning to the officer's report (the "Report"), the Appellant notes that, in arriving at their decision, officers:

- Accept that the building subject of this application was constructed originally for the purpose of stabling and this remains the extant use although the building is currently in use as a storage building for the adjacent residential property. As such it is considered that the proposal can be considered to be re-development of previously developed land. However, the proposed outbuilding is not judged to fall within the curtilage of Thorncroft.
- Consider that the proposal *could be* acceptable in principle with regards to Green Belt, subject to meeting the relevant criteria of bullet point 'g' of para 154, i.e. providing the proposal would *"not have a greater impact on the openness of the Green Belt than the existing development"*.
- Acknowledge that the proposed replacement dwelling is to be no larger than that of the existing outbuilding and would not extend onto any grassed area beyond the area of hardstanding. The proposals would lower the existing land levels so that the proposed building would not exceed the height of the existing outbuilding. The proposed replacement dwelling would comprise the exact same dimensions as that of the existing outbuilding and would therefore appear as no more visually intrusive than the existing arrangement.
- Accept that overall the proposals would not have a greater impact upon the openness of the Green Belt and are in accordance with the exception noted in bullet point (g) of Para. 154 of the NPPF and therefore do not constitute inappropriate development in the Green Belt and comply with Local Plan Policy EQ4.
- Accept that the proposed replacement dwelling is judged to retain the key design principles and character of the existing stable outbuilding in a manner which would not be out of keeping with the surrounding area. The proposals would not have any adverse impact with regards to the street scene or visual amenity and are therefore judged to accord with Local Plan Policy EQ6, Supplementary Planning Documents and the NPPF.
- Consider that the proposed development will not significantly harm the amenities of the occupants of existing neighbouring residential properties. In addition, the level of amenities that would be provided for future occupants of the proposed dwelling (subject to satisfactory noise control in respect of the adjacent railway) is considered to be acceptable and accords with the national standards set out in the NDSS. Therefore, the proposal accords with the amenity tenets of Local Plan policies S1 and EQ6 and the NPPF.
- Judged that the proposals could reasonably comply with the Highways requirements subject to an agreement with Network Rail to ensure that there would be no detrimental impact upon the safety of transport infrastructure. Consequently the

proposals are in accordance with local plan policy CF 6 and the National Planning Policy Framework.

9.0 APPELLANT'S CASE

9.1 Adopted Development Plan Policies Referred to in the RfR

- 9.1.1 S38(6) of the Planning and Compulsory Purchase Act of 2004 (the "Act") requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Local Authority does not currently have a five year supply of housing, and as such in accordance with Paragraph 11d) of the National Planning Policy Framework (the "NPPF") the tilted balance is engaged so that planning permission for development should be granted unless the application of policies within the [NPPF] that protect areas or assets of particular importance provides a clear reason for refusal; or any adverse impacts of [granting planning permission] would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.1.2 The adopted Development Plan for the appeal site comprises the High Peak Local Plan (the "Local Plan"), adopted in April 2016. The Local Plan pre-dates the policy advice contained within the up-to-date NPPF (December 2024).
- 9.1.3 As per article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, *the decision notice must state clearly and precisely the full reasons for the refusal, specifying all policies and proposals in the development plan that are relevant to the decision.*
- 9.1.4 The Development Plan policies considered relevant in the determination of the planning application and, in turn, to this appeal are:
- S 1 Sustainable Development Principles;
 - S 1a Presumption in Favour of Sustainable Development;
 - S 2 Settlement Hierarchy;
 - S 3 Strategic housing Development;
 - S 6 Central Sub-area Strategy;
 - EQ 2 Landscape Character;
 - EQ 3 Rural Development;
 - EQ 4 Green Belt Development;
 - EQ 5 Biodiversity;
 - EQ 6 Design and Place Making;
 - CF 6 Accessibility and Transport;
 - H 1 Location of Development;
 - H 2 Housing Allocations; and
 - H 3 New Housing Development.

9.2 Development Plan Policies with which the Appeal Proposal is Compliant

9.2.1 As per the Officer Report it is considered that the appeal proposals comply with the following Local Plan policies:

- S 1 Sustainable Development Principles;
- S 1a Presumption in Favour of Sustainable Development;
- EQ 4 Green Belt Development;
- EQ 6 Design and Place Making; and
- CF 6 Accessibility and Transport.

9.2.2 The RfR do not rely upon the policies listed below nor does the Report object to the proposal in the context of the same. As such, noting the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015, outlined at 9.1.3, it must be the case that the appeal proposal is compliant with following Local Plan policies:

- S 2 Settlement Hierarchy;
- S 3 Strategic housing Development;
- S 6 Central Sub-area Strategy;
- EQ 2 Landscape Character;
- H 2 Housing Allocations; and
- H 3 New Housing Development.

9.3 National Planning Policies Referred to in the RfR

9.3.1 The NPPF is a material consideration. The RfR do not rely on any specific NPPF paragraphs; however the Officer Report refers to the following NPPF paragraphs within the assessment, specifically:

- Paragraph 154;

9.3.2 However, it is noted that the Officer concludes that *the proposals would not have a greater impact upon the openness of the Green Belt and are in accordance with the exception noted in bullet point (g) of Para. 154 of the NPPF and do not constitute inappropriate development in the Green Belt*

9.3.3 No other NPPF paragraphs are specifically referred to, therefore it is reasonable to assume that the appeal proposal is compliant with the provisions of the policy tests set out within the remainder of the NPPF.

9.4 Analysis of the Reason for Refusal in the Context of the Adopted Development Plan

9.4.1 As stated, the Local Authority has provided two RfR which has been justified on specific policy grounds.

9.4.2 The RfR state:

1. The proposed dwelling lies within an area of countryside, whereby Policies EQ 3 and H 1 apply. The dwelling would not meet any of the exceptions listed in Policy EQ 3 for the provision of a new residential dwelling and would not meet Policy H 1 in that it does not adjoin the built-up area boundary or have reasonable access to local services and facilities by foot cycle or public transport. As such the principle of development is considered to be unacceptable, resulting in an unsustainable form of development, contrary to Policies EQ 3 and H1 of the High Peak Local Plan 2016 and the National Planning Policy Framework.
2. The applicant has claimed that the proposed development is a self build. However, no details have been provided to explain who the first occupant of the dwelling would be, their input to the development proposal and therefore on this basis the dwelling cannot be considered as a self build. In the absence of biodiversity metric, the development fails to comply with paragraph 13 of Schedule 7A of the Town and County Planning Act 1990.

9.4.3 From the Appellant's reading of it, the Local Authority objects to the appeal proposal because it would not meet any of the exceptions listed in Policy EQ 3 (development outside settlement boundaries) and would not meet the requirements of Policy H 1 in that it does not adjoin the built-up area boundary or have reasonable access to local services and facilities by foot cycle or public transport. In addition the Local Authority do not consider the proposed development is self build and therefore is not exempt from the requirement of Biodiversity Net Gain (BNG).

9.4.4 Turning then to the Development Plan policies on which the RfR relies; **Policy EQ 3 (development outside settlement boundaries)** states that *Outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.*

This will be achieved by:

- *Supporting the redevelopment of a previously developed site and/or the conversion of existing buildings for employment use provided it does not have an adverse impact on the character and appearance of the rural area*
- *Supporting the provision and expansion of tourist and visitor facilities in sustainable locations where identified needs are not met by existing facilities Supporting rural employment in the form of home working, commercial enterprises and live-work units where a rural location can be justified*
- *Supporting equestrian development where it does not have an adverse impact upon the character and appearance of the area Supporting development associated with*

recreational and open space uses in accessible and least environmentally sensitive locations

- *Supporting proposals for agriculture and related development which help sustain existing agricultural enterprises, including small scale farm shops selling local produce, complementary farm diversification and new agricultural buildings that maintain the landscape quality and character of the countryside*
- *Ensuring that all development is of a high quality design and protects or enhances landscape character and the setting of the Peak District National Park*
- *Allowing the following forms of new residential development:*
 - *A replacement dwelling provided it does not have a significantly greater impact on the existing character of the rural area than the original dwelling nor result in the loss of a building which is intrinsic to the character of the area*
 - *Affordable housing in accordance with Local Plan Policy H5*
 - *To meet an essential local need, such as a farm worker's or rural enterprise dwelling, where the need for such accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere*
 - *Re use of redundant and disused buildings and/or the redevelopment of a previously developed site, where it does not have an adverse impact on the character and appearance of the countryside. Where the existing building is in an isolated location the development should lead to an enhancement of the immediate setting.*
 - *Limited infilling of a small gap capable of accommodating no more than 2 dwellings of a similar size and scale to the surrounding dwellings in an otherwise continuously built frontage*
 - *Extensions to existing dwellings provided they are subsidiary to the building and do not have an adverse impact on the character of the landscape*
 - *A gypsy and traveller site in accordance with Policy H6*
 - *Development in accordance with Policy H1*

9.4.5 Policy H 1 (Location of Housing) states that *The Council will ensure provision is made for housing taking into account all other policies in this Local Plan by:*

- *Supporting the development of specific sites through new site allocations in the Local Plan or a Neighbourhood Plan*
- *Promoting the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose*
- *Supporting housing development on unallocated sites within defined built up area boundaries of the towns and larger villages*

- *Encouraging the inclusion of housing in mixed use schemes where housing can be accommodated in an acceptable manner without compromising other planning objectives*
- *Supporting development identified through a Community Right to Build Order*
- *Supporting self build housing schemes*

The Council will monitor actual and forecast provision, including windfall sites, through the Monitoring Report and its housing trajectory to identify a 5 year supply of deliverable housing sites against the housing requirement in the Local Plan.

The Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking into account other policies in this Local Plan, provided that

- *The development would adjoin the built up area boundary and be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and*
- *the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; and*
- *it would have reasonable access by foot, cycle or public transport to schools medical services, shops and other community facilities; and*
- *the local and strategic infrastructure can meet the additional requirements arising from the development*

If necessary the Council will review the Local Plan to bring forward additional sites for housing.

9.4.6 In regard to RfR 2 the Council do not refer to any local or national planning policies but state that *the development fails to comply with Paragraph 13 of Schedule 7a of the Town and Country Planning Act 1990.*

9.4.7 Paragraph 13 of Schedule 7a of the Act sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value.

9.5 Having Regard to the Circumstances of the Case – Principle of Development

9.5.1 RfR 1 states that *the proposed development lies within an area of open countryside, and does not meet any of the identified exceptions listed in Policy EQ3 and does not accord with Policy H1 as the site does not adjoin the built-up area boundary or have reasonable access to local services and facilities or public transport networks. As such the proposed development is considered to be unacceptable, resulting in an unsustainable form of development ...*

9.5.2 The appeal site lies within the Green Belt, and the Council, in their officer report have confirmed that the proposal would accord with the provisions of Paragraph 154 g) of the NPPF.

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