

Ms Eloise Molyneaux
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Our ref: 6187-CAU-XX-XX-CO-T-9100.A0.C1

Your ref: APP/H1033/W/25/3368346

Date: Tuesday, 19 August 2025

By e-mail

Dear Ms Molyneaux,

Re: APP/H1033/W/25/3368346

Town and Country Planning Act 1990

Appeal by Mr & Mrs K Povah

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

I write in respect of the above appeal which is proceeding by Written Representations and for which you are the case officer and enclose comments on behalf of the appellants Mr & Mrs K Povah on the Local Planning Authorities submitted Statement of Case.

Statement on behalf of High Peak Borough Council

As set out the Appellant's Statement of Case it is accepted that the site lies outside the settlement boundary and therefore Polic EQ3 applies.

Policy EQ 3 seeks to restrict new residential development in the countryside in order to protect the landscape's intrinsic character and distinctiveness unless it accords with one of a limited number of exceptions. One exception is the 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.

In the context of Policy EQ 3 and give the Council's own conclusions within the Delegated Officer Report in regard to Green Belt and compliance with Policy EQ 4 the site is considered to be previously developed land and would therefore fall within an exception within Policy EQ 3 in regard to residential development. The site is not considered to be in an isolated location and therefore is acceptable provided the proposal does not have an adverse impact on the character and appearance of the countryside.

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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 and 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. It is therefore considered that the proposal would not have an adverse impact on the character and appearance of the countryside.

The Appeal is supported by a Landscape and Visual Appraisal (LVA) prepared by tpm landscape, 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 (within which the proposed building lies). 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 Council refer to Policy S2, which is not cited within the reasons for refusal, stating that this policy *'... puts forward a clear hierarchy of locations in order to concentrate development in places where there are a range of services, employment and facilities, and where there is a choice of means of transport in order to minimise the need to travel and reduce the reliance on the private car. The site is considered physically and functionally separate from any identified settlement boundary within the Local Plan'*.

Whilst Policy S2 puts forward a hierarchy of locations in order to concentrate development in sustainable locations, Policy EQ3 is clear in allowing development outside of settlement boundaries which meet one of the listed exceptions and even accepts that redundant and disused buildings and/or previously developed sites may be in an isolated location. Policy EQ3 does not require the site to be physically and functionally adjoining an identified settlement boundary in order to meet any of the exceptions.

The Council's Statement of Case states that Policy EQ3 *'... supports the 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'*. They then go on to state that *'However, it considered that the development would not meet this requirement'* but they provide no substantive evidence or reasoning why this is the case.

The Council's Statement concludes in regard to Policy EQ3 that *'While it might provide some housing choice, a personal preference for living in the countryside does not constitute a particular 'need' in planning terms'*. Again, there is no requirement under Policy EQ3 to demonstrate that 'need' when advancing a case on the basis that the development constitutes the re use of redundant and disused buildings and/or the redevelopment of a previously developed site. Only in regard to farm worker's or rural enterprise dwelling does Policy EQ3 require a need to be demonstrated.

In regard to Policy H1, as set out in Paragraph 9.5.12 of the Appellant's Statement of Case one of the other exception within Policy EQ3 is *'Development in accordance with Policy H1'*. However, Policy EQ3 does not require compliance with one of the listed exceptions **and** to be in accordance with Policy H1, rather the policy is phrased in a way that development which does not accord within an EQ3 exception could be acceptable if it accords with Policy H1 including by adjoining the built-up area boundary.

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The second reason for refusal refers to Biodiversity Net Gain (BNG) and self-build status. Within the Council's Statement of Case they state that *'During the course of the application at no point did the applicant submit any details or supporting information with regards to the first occupier, their input into the design and the development proposal has been provided'*.

However, the application was submitted with the following description of development **Demolition of existing outbuilding and erection of a single self build dwelling with associated landscaping works** on the duly completed and signed Form 1APP. The Local Planning Authority, without agreement, subsequently changed the description of development removing reference to self-build.

Therefore in the context of the proposals Mr & Mrs Povah are the applicant and have primary input into the final design and layout of the dwelling having appointed HEM Architects to the design the proposal. The dwelling is on land owned by Mr & Mrs Povah's family and it is intended from them to live in the property, as their sole permanent home, as a family to care for elderly parents who live at Thorncoft.

If the Inspector is minded to allow the appeal it is considered that a suitability worded planning condition could control whether the dwelling meets the statutory definition of self-build. The following condition is proposed, which has previously been considered acceptable at appeal (Enclosure 1 APP/P4605/W/24/335518):

'Within 6 months of the completion of the dwelling hereby permitted documents shall be submitted to and approved in writing by the Local Planning Authority confirming that the dwelling meets the statutory definition of self-build. The documentation must include:

- *A compliance certificate for the development issued under either regulation 17 (completion certificates) of the Building Regulations 2010 or section 51 of the Building Act 1984 (final certificates);*
- *Title deeds of the properties to which this exemption relates (freehold or leasehold);*
- *A copy of a utility bill or bank statement showing the applicants name and address of the property; and*
- *A Copy of one of the 3 following documents:*
 - *An approved claim from HM Revenue and Customs under 'VAT431NB: VAT refunds for DIY housebuilders';*
 - *Proof of a specialist Self Build or Custom Build Warranty for the dwelling; or*
 - *Proof of an approved Self Build or Custom Build Mortgage from a bank or building society for the dwelling'.*

I hope these comments are of use at this time. Please do not hesitate to contact me should you have any further queries.

Yours faithfully

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Neil Arbon
BA (Hons) Dip TP MRTPI
Associate Director of Planning
On behalf of Caulmert Ltd

Encls. Appeal Decision APP/P4605/W/24/335518