

DELEGATED DECISION REPORT

HPK/2026/0137
Valid 02/04/2026

17 BACK LANE
CHARLESWORTH

RETROSPECTIVE
APPLICATION FOR THE
REMOVAL OF AN EXISTING
EARTH BANK, AND THE
INSTALLATION OF A TIMBER
RAILWAY SLEEPER
RETAINING STRUCTURE AND
FRENCH DRAIN. A NEW
950MM HIGH POST AND RAIL
FENCE ALSO CONSTRUCTED
TO AVOID TRACK BEING
WIDENED.

(FULL - MINOR)

MAIN ISSUES

- Principle of development.
- Character & Design.
- Residential amenity.
- Historic environment.
- Highway safety.
- Ecology & Biodiversity Net Gain.

DESCRIPTION OF SITE

The application site is an embankment adjacent to an existing access track. The site is located within the Glossopdale sub-area boundary, designated Countryside and Green Belt, and within the 'Charlesworth' Conservation Area.

The 'Settled Valley Pastures' landscape character area is also applicable to the site.

PROPOSAL

The works have already been undertaken on site, so this application is made in retrospect. The application has been determined on its merits.

The proposal relates to the removal of a section of an earth embankment, equating to approximately 7 cubic metres, and the installation of a timber railway sleeper retaining wall with French drain. A new 0.95m high timber post and rail fence has also been installed parallel along a portion of the access track to prevent the track being widened/used for vehicle parking.

The application states that the works have been undertaken to address alleged drainage issues at the site, which was deteriorating the surface of the access track. Surface water drainage is now proposed to infiltrate via the use of a French drain.

The application red boundary of site was amended during the application process to extend to the nearest adopted highway. The applicant-agent submitted a revised ownership Certificate accordingly, and a re-consultation has been undertaken.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Borough Council Local Plan (2016):

Policy S 1 Sustainable Development Principles.

Policy S 1a Presumption in Favour of Sustainable Development.

Policy S 2 Settlement Hierarchy.

Policy S 5 Glossopdale Sub-area Strategy.

Policy EQ 2 Landscape Character.

Policy EQ 3 Rural Development.

Policy EQ 4 Green Belt Development.

Policy EQ 5 Biodiversity.

Policy EQ 6 Design and Place Making.

Policy EQ 7 Built and Historic Environment.

National Planning Policy Framework (December 2024):

Part 2 – Achieving Sustainable Development.

Part 4 – Decision-making.

Part 12 – Achieving Well Designed Places.

Part 13 – Protecting Green Belt Land.

Part 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.

Part 15 – Conserving and Enhancing the Natural Environment.

Part 16 – Conserving and Enhancing the Historic Environment.

Supplementary Planning Documents (SPD):

High Peak Design Guide (2018).

Landscape Character (2006).

Charlesworth Conservation Area character appraisal (adopted October 2010).

Planning (Listed Buildings and Conservation Areas) Act 1990.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2024/0310 - Application for a Lawful Development Certificate for - Use of land for Eco-Therapy & Education (see explanation attached) - Proposed Lawful Development Certificate Approved 27/01/2025.

CONSULTATIONS

Publicity

Site Notice expiry date: 19/05/2026.

Neighbour consultation period ends: 01/05/2026.

Neighbour re-consultation expiry date: 22/06/2026.

Press Notice: 14/05/2026.

Public Comments

1 written representation has been received from residents, neither objecting to or supporting the proposal. A summary of the points raised in the submitted comment(s) is as follows:

- No previous owners of 17 Back Lane suggested the earth bank was unstable.
- There did not appear to be any evidence of land slippage or instability. Did the applicant provide a technical report to establish this, apart from his architects report?
- Surprised by the extent of ownership of adjacent land enjoyed by the applicant.
- What has now resulted from the work undertaken is a vastly improved vehicular access to the land at the rear, which we had understood was owned by others for which permission had been granted for a temporary forest school/ outdoor wellness centre, for use only on a limited basis.

A summary of the points raised in other comment(s) submitted by consultees is as follows:

High Peak Borough Council Conservation Officer:

- No. 19 -25 Back Lane are a row of original cottages, characteristic of the conservation area, in both proportions and materials.
- The application site consists of a section of land to the rear of no. 17 Back Lane off a private access track to the rear of the row of terraces. The section of trackway leads to a former quarry located to the rear of Back Lane.
- The use of railway sleepers is uncharacteristic of the conservation area. Due to the land levels across Charlesworth retaining walls are common within the conservation area. However, these are traditionally dry-stone walls.
- A dry-stone finish would be more in keeping with the tradition of retaining walls within the conservation area. While an alternative dry-stone wall would

be a more in keeping final appearance, it may be possible to clad the retaining wall in natural stone slips to create the visual appearance of a dry-stone retaining wall.

- The use of railway sleepers as a retaining wall is uncharacteristic of the Conservation Area. A dry-stone wall would be a more in keeping finish, to match the entrance to the private lane. However, the visibility of the structure from the public domain is very limited and restricted predominantly to the boundary fence. As such the level of harm to the conservation area is low, in terms of planning policy this is considered to be less than substantial harm.

Charlesworth Parish Council:

- Resolved to make no comments.

Derbyshire County Council Highways:

- No objection. There appears to be no material impact on the public highway.

No other written representations received as part of the consultation process.

OFFICER COMMENTS

Principle of Development:

Local Policy Position:

HPBC Local Plan Policy S 1 seeks to ensure the delivery of sustainable development, by ensuring, amongst other things, the effective use of land, protecting and enhancing the boroughs natural and historic environments, and securing high quality design and amenity standards. Policy S 1 seeks to locate new development in line with the boroughs Settlement Hierarchy.

HPBC Local Plan Policy S 2 sets out the settlement hierarchy for the borough. The enquiry site falls outside of any identified settlement boundary, in an area allocated as countryside. In these areas development will be strictly limited to that which has an essential need to be located in the countryside, in accordance with policy EQ3.

Policy EQ 3 seeks 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. This will be achieved by, amongst other things, 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.

The Glossopdale Sub-area Strategy (Policy S 5) seeks to promote the sustainable growth of Glossopdale whilst promoting and maintaining the distinct identity of its settlements, including protecting and enhancing the historic environment.

National Policy Position:

Heritage

Part 16 of the National Planning Policy Framework (December 2024) sets out the national position for considering proposals which affect heritage assets. Paragraph 212 identifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 213 identifies that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

In order to establish whether the principle of the development is acceptable the Council needs to first establish, as per the general duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, whether the proposal will preserve the setting and/or any features of special architectural or historic interest of any nearby Listed Building, or preserve or enhance the character and appearance of the Conservation Area. This will be discussed and assessed later within the report.

Green Belt

Paragraph 142 of the NPPF (December 2024) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 sets out the five purposes of the Green Belt as being:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 153 identifies that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances, and "substantial weight" should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 goes on to identify various forms of development which are deemed to be 'appropriate' uses within the Green Belt, which includes:

- a) engineering operations, provided they preserve openness and do not conflict with the purposes of including land within the Green Belt.

Whilst engineering operations are generally accepted as being 'appropriate' within the Green Belt, this is subject to an assessment as to whether such operations would preserve the openness of the Green Belt and not conflict with the purposes of including land within the Green Belt.

'Openness' is generally regarded as keeping land permanently open and free from development. The works undertaken on site amounts to the removal of a section of embankment and the installation of a retaining wall constructed from railway sleepers, and a timber post and rail fence. Land levels across the site rise in a south-easterly direction. The works would be viewed against the backdrop of the retained embankment and hedgerow. Visually the development is not prominent within the street scene or wider landscape.

With regards to the Green Belt purposes, it is considered that the application site does not strongly contribute to purposes a-e of Paragraph 143 of the NPPF (December 2024). Overall it is concluded that the works would not have an adverse impact upon the openness of the Green Belt or conflict with the purposes of including land within it.

Conclusion:

Taking all these factors into account, it is considered that the principle of development at the site may be acceptable in policy terms, subject to all other material planning considerations being acceptable. The proposal currently complies with policies S1, S 2, S 5, and EQ 3 of the adopted Local Plan (2016), and national Green Belt policy as set out in the National Planning Policy Framework (December 2024).

Character & Design:

HPBC Policy EQ 2 seeks to protect, enhance and restore the landscape character of the Plan Area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the Plan Area. It seeks to achieve this by, amongst other things,

- a) Requiring that development proposals are informed by, and are sympathetic to the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document and also take into account other evidence of historic landscape characterisation, landscape sensitivity, landscape impact and the setting of the Peak District National Park and where appropriate incorporate landscape mitigation measures.
- b) Requiring that development proposals protect and/or enhance the character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park.

- c) Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment.

This approach is reinforced by Policy EQ 6 in relation to design and place making, requiring development to respond positively to its environment and the challenges of climate change, whilst also ensuring a contribution to local distinctiveness and sense of place. The development proposal should therefore seek to

- a) Respect the character, identity and context of the landscape.
- b) Be of high quality design to protect, enhance and/or restore landscape character, particularly in relation to the setting and character of the Peak District National Park.
- c) Contribute to the areas character by virtue of its scale, layout, appearance, and materials, including the relationship with adjacent buildings and landscape features.
- d) Achieve a satisfactory relationship with adjacent development, and does not cause unacceptable effects or adversely impact local character and amenity.
- e) Retain significant landscape features such as mature trees.

The development is located part way along a private track. There are limited views of the development from surrounding areas and public vantage points, including Back Lane.

However dry stone walls are typically characteristic of the area for boundaries and retaining structures, which also reflects the character of the nearby dwellings. The use of timber sleepers to form the retaining structure would therefore appear as an anomaly to this established vernacular, and would amount to some harm to area character.

Residential Amenity:

The requirements of Policy EQ 6 have been set out above, in relation to securing a satisfactory relationship with adjacent development and avoiding harm to amenity etc.

Given the scale and siting of the proposal, it is considered that the development will not unduly harm the amenity of any resident within the vicinity of the application site in terms of impacting their enjoyment of their residential dwelling and associated amenity space.

Historic Environment:

Policy EQ 7 sets out that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires a Local Planning Authority to have special regard to the desirability of preserving the setting of Listed Buildings, and pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area (Sections 66 and 72 respectively).

Paragraph 212 of the NPPF (December 2024) identifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 also sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The application site is located within the 'Charlesworth' Conservation Area. The use of railway sleepers is uncharacteristic of the Conservation Area. Due to the land levels across Charlesworth retaining walls are common, however these are traditionally dry-stone walls.

The consultation response from the Council's Conservation Officer highlights that a dry-stone finish would be more in keeping with the tradition of retaining walls within the Conservation Area, and that a dry-stone wall would present a more in keeping final appearance. The Council's Conservation Officer suggests that it may be possible to clad the retaining wall in natural stone slips to create the visual appearance of a dry-stone retaining wall.

The Conservation Officer acknowledges that the visibility of the structure from the public domain is very limited, and restricted predominantly to the boundary fence. They conclude that the level of harm to the Conservation Area is low, and in policy terms would be considered to be less than substantial harm.

Paragraph 215 of the NPPF (December 2024) highlights that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

National planning practice guidance (NPPG) (updated 2019) offers advice at Paragraph 20 with regards to assessing public benefits, it states:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting.*
- *reducing or removing risks to a heritage asset.*
- *securing the optimum viable use of a heritage asset in support of its long term conservation.”*

No public benefits have been identified within the application submission. It is considered that due to the nature of the development, that no wider public benefits would arise. The proposal would therefore be contrary to NPPF policy. However, a condition is proposed which requires details to be submitted in relation to the cladding of the retaining structure, to ensure that it presents an appearance which is characteristic of the local vernacular. This would mitigate any harm and ensure compliance with policy.

The development site is considered not to form part of the setting of any nearby Listed Buildings.

Paragraph 216 of the NPPF (December 2024) identifies that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Part of the application site is identified on Derbyshire County Council's Historic Environment Record as comprising a former sandstone quarry. The proposed development would be synonymous with the existing and historic land use. The development is therefore considered not to cause harm to the significance of the former quarry as a non-designated heritage asset.

Highway Safety:

The development has taken place along an existing private access track. A retaining wall structure has been created and a new 0.95m high timber post and rail fence has also been installed along the edge of the access track to prevent the track being widened. The track remains accessible and usable by vehicles. The adopted highway is not impacted by the proposal.

Overall it is considered that the proposal would not have a detrimental impact upon the safety and/or capacity of the local highway network.

Ecology & Biodiversity Net Gain:

Ecology

It is understood that an area of soft landscaping was removed to facilitate the development. A condition is proposed which requires a soft landscaping scheme to

be submitted and approved which seeks to restore the areas of land affected by the development. It is understood that this is already the applicants intention, however a condition will be a suitable mechanism to secure this.

Biodiversity Net Gain

Biodiversity Net Gain is not applicable to retrospective planning applications.

Response to Consultation Comments:

The above commentary addresses many of the points raised in comments which have been received from the public. The following is intended to address those points which remain outstanding.

1. No technical report in relation to land slip or land stability has been provided, and the works have already been undertaken but, given the limited height and scale of the retaining structure it is considered to be unreasonable to request such a report for the nature of the works.

Notwithstanding this, Paragraph 197 of the National Planning Policy Framework (December 2024) identifies that if a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

2. The extent of the applicants landholding is not for consideration or scrutiny as part of this application.

CONCLUSION / PLANNING BALANCE

The development would amount to an engineering operation, which is considered to be 'appropriate' within the Green Belt. The development would not have an adverse impact upon the openness of the Green Belt or conflict with the purposes of including land within it.

The development would result in 'less than substantial harm' to the Conservation Area, and no wider public benefits are considered to arise from the works. A condition is proposed which requires details to be submitted in relation to the cladding of the retaining structure, to ensure that it presents an appearance which is characteristic of the local vernacular. This will also ensure the overall satisfactory appearance of the development, in the interests of visual amenity.

Overall, given the above suggested condition, the development is considered not to cause any detrimental impact upon the landscape character of the area, the street scene, or upon the amenity of any nearby residents.

Given the scale of the development, the works would not have a detrimental impact upon the safety and/or capacity of the local highway network.

Having reviewed all the submitted information, and assessing this against all relevant policies and material planning considerations, within the planning balance, conditional approval is recommended for this application.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Alex Bonser

Recommendation Date: 25/06/2026

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council