

---

## Appeal Decision

Site visit made on 17 May 2016

**by Beverley Doward BSc BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 06 July 2016**

---

**Appeal Ref: APP/H1033/W/16/3145547**

**Dinting Road, Dinting, Glossop, Derbyshire, SK13 7EB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Nichols 3N Limited against the decision of High Peak Borough Council.
  - The application Ref HPK/2015/0508, dated 10 September 2015, was refused by notice dated 19 January 2016.
  - The development proposed is described as "outline planning application for the erection of up to 11 dwellings (Use Class C3) with all matters reserved, except for access, with associated infrastructure".
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Nichols 3N Limited against High Peak Borough Council. This application is the subject of a separate decision.

### Procedural Matters

3. The postcode given on the planning application form is incomplete. I have used the complete postcode in the heading above.
  4. The planning application was submitted in outline with all matters other than access reserved. I have dealt with the appeal on this basis. An indicative layout plan showing how a scheme for 11 dwellings could be accommodated on the site was submitted with the planning application.
  5. The Council's reasons for refusal referred to policies of the saved High Peak Local Plan 2008 and the emerging High Peak Local Plan. The High Peak Local Plan 2016 (LP) was adopted on 14 April 2016 and the saved policies from the 2008 Plan have been superseded. The LP now forms the development plan for the area. Accordingly, I have determined the appeal on this basis.
  6. At the time of the Council's consideration of the planning application it was unable to demonstrate a five year supply of deliverable housing land. However, the Council indicates that following the adoption of the LP it now has a five year housing land supply. I return to this matter below.
-

## **Main Issues**

7. The main issues in this case are:

- the effect of the proposal for residential development in this location on the character and appearance of the countryside and the strategic gap;
- whether the proposal would address the housing needs of local people having regard to the mix of housing; and
- whether the proposal would make adequate provision in respect of education, off site open space and play space to support the development.

## **Reasons**

*Effect of the proposal for residential development in this location on the character and appearance of the countryside and the strategic gap*

7. The appeal site is a roughly triangular area of land to the south of Dinting Road adjacent to the railway station. It is currently used as a car park which is accessed from Dinting Road. Immediately to the east of the site is a footpath with the Manchester to Hadfield railway line lying just beyond. There is also a public footpath adjacent to the western boundary of the site which is separated from the main part of the site by a steeply sloping grass bank. This footpath extends across Dinting Road and runs northwards through the area of land to the north of Dinting Road.
8. The appeal site lies outside, albeit adjacent to, the boundary of the built up area of the settlement of Hadfield indicated in the LP. Accordingly, it comprises countryside for planning policy purposes. It also lies within an area which is identified within the LP as a strategic gap between the settlements of Glossop and Hadfield. The Inspector in his report on the Examination into the LP found the strategic gap to be justified in order to prevent visual and physical coalescence and assist in maintaining the separate identities of the settlements of Glossop and Hadfield.
9. The Council indicates that the appeal site lies within an area which contributes to the character and appearance of a settled valley pastures landscape as identified within its Landscape Character Supplementary Planning Document. The site itself does not display the characteristics of such a landscape type, it having been levelled and hard surfaced to provide a car park. Nevertheless, it is an open site with little natural screening which contributes visually to the open frontage along the south side of Dinting Road and the wider area of countryside beyond which seems to me to display the characteristics of a settled valley pastures landscape.
10. An indicative layout plan for 11 dwellings was submitted with the planning application. However the planning application was submitted in outline form with all matters other than access reserved. Accordingly, the scale, appearance, landscaping and layout of the development would be reserved for future consideration. Nevertheless, given that the site is currently free from built development and forms a part of a larger area of countryside which is mainly free of built development, the development of up to 11 dwellings on the site would appear as an incursion of built development into the countryside when viewed both at close range and from further away. Furthermore, long

distance views from the site to the south of the slopes of the Peak District National Park beyond would be constrained by the new houses.

11. The proposed development would reduce the physical extent of the strategic gap between Glossop and Hadfield by about 0.49 ha. The strategic gap is largely undeveloped. Accordingly, notwithstanding that the appeal site comprises an area of hardstanding, the development of up to 11 dwellings on a currently undeveloped site would inevitably result in a loss of openness. Furthermore, the encroachment of built development onto the southern side of Dinting Road would reduce the integrity of the strategic gap along its boundary with the built up area. In my view therefore, albeit that the physical extent of the strategic gap would not be eroded significantly, the appeal proposal would undermine the purpose of the strategic gap.
12. The appellant refers to the Landscape and Visual Appraisal submitted with the planning application and contends that the small size of the site which takes the form of an area of hardstanding on the periphery of the strategic gap means that it contributes very little to the perception of the strategic gap when travelling around the landscape, the gap being most apparent in medium and long distance views from the west and south, on the edges of Conservation Areas and the Peak District National Park. However, it seems to me that despite the site forming a small element of the view from these viewpoints, the residential development would nevertheless, even with new planting in and around the development, be visible from them and appear as an incursion of urban development within the countryside which forms the strategic gap. I consider that this would reduce the visual separation between the settlements of Glossop and Hadfield which is provided by the gap.
13. I have had regard to the appeal decision on the site on the opposite (northern) side of Dinting Road and the Inspector's reasoning in support of his decision to grant planning permission for residential development on that site. The decision pre-dates the adoption of the LP and was therefore determined on the basis of the circumstances in effect at that time which are not the same as in this case.
14. Taking account of all of the above therefore, notwithstanding that the scale, appearance, landscaping and layout of the development would be reserved for future consideration, I conclude that the appeal proposal would have an adverse effect upon the character and appearance of the countryside which forms the strategic gap and would reduce the extent and integrity of the gap along its boundary with the built up area thereby undermining its purpose of maintaining in the long term the visual and physical separation between the settlements of Glossop and Hadfield.
15. Accordingly, the appeal proposal would conflict with policy S5 of the LP which seeks to promote the sustainable growth of Glossopdale whilst promoting and maintaining the distinct identity of its settlements by, amongst other things, maintaining a strategic gap between Glossop and Hadfield. It would also conflict with policies EQ2 and EQ3 of the LP in so far as they respectively seek to protect the landscape character of the Plan area for its own intrinsic beauty and strictly control new development outside the settlement boundaries and sites allocated for development in order to protect the landscape's intrinsic character and distinctiveness. Furthermore, given my findings in relation to the above policies it would fail to comply overall with policy H1 of the LP. This

policy indicates that consideration will be given to approving sustainable sites outside the defined built up area boundaries, taking into account other policies in the LP and providing, amongst other things, that the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside.

*Whether the proposal would address the housing needs of local people having regard to the mix of housing*

16. Policy H3 of the LP requires all new residential development to address the housing needs of local people by meeting the requirements for affordable housing set out in policy H4 of the Plan, providing a range of market and affordable housing types and sizes, providing a mix of housing that contributes positively to the promotion of sustainable and inclusive communities and ensuring that new residential development includes a proportion of housing suitable for newly forming local households.
17. The indicative layout plan submitted with the planning application indicates a development of 11 relatively large dwellings. However, given that the planning application was submitted in outline form with all matters other than access reserved, some aspects of the mix of housing would be addressed at the reserved matters stage. However, the mix of market and affordable housing would not necessarily be addressed as a reserved matter.
18. The appellant indicates a willingness to provide 20% of the proposed dwellings as affordable units as required by policy H4 of the LP. However, there is no mechanism before me to ensure this. Accordingly, I cannot be satisfied that the housing needs of local people in relation to affordable housing would be addressed by the mix of housing. Therefore, the proposal would not satisfy policies H3 and H4 of the LP in these respects.
19. I am mindful that the Planning Practice Guidance (PPG) indicates that affordable housing obligations should not be sought for small scale developments of 10 units or less and that the proposal seeks permission for up to 11 dwellings. However, the layout plan submitted with the planning application clearly indicates a scheme for 11 dwellings on the site and there is nothing before me to indicate that less than this number of dwellings would be provided.

*Whether the proposal would make adequate provision in respect of education, off site open space and play space to support the development.*

20. The Council indicates that financial contributions are required towards education provision, off site open space and play space to support the development and meet the requirements of policy CF7 of the LP and its Planning Obligations Supplementary Planning Document 2005.
21. The PPG indicates that, as well as affordable housing planning obligations, tariff style planning obligations should not be sought for small scale developments of 10 units or less. However, as indicated above I cannot be assured that the proposal would provide for less than 11 units.
22. The appellant does not dispute the need for financial contributions in respect of education provision, off site open space and play space to support the development and indicates a willingness to enter into a S106 agreement to provide the contributions. However, I do not have such an agreement before

me. Nevertheless, given that I have found the proposal to be unacceptable on other grounds it is not necessary to consider the question of a legal agreement in these respects as this issue is not decisive.

#### *Other matters*

23. As detailed above the Council states that following the adoption of the LP it now has a five year supply of deliverable housing land supply and indicates that the current position, as at December 2015, is that it has a 6.2 year supply of housing land.
24. The appellant refers to the Inspector's report on the examination of the LP in which he indicated a shortfall against the housing requirement in the early years of the Plan period which represents more than 2.5 years supply in terms of the annual requirement over the plan period and that that there had been a low level of completions over a sustained period of time. However, I am mindful that the Inspector examining the LP also concluded that he was satisfied that on adoption there would be a reasonable prospect that the Plan would result in an appropriate supply of sites to provide 5 years worth of housing in accordance with the National Planning Policy Framework (the Framework). The appellant acknowledges this and despite questioning whether the upsurge in development activity required to achieve the housing target will be achieved, does not provide any specific evidence to challenge the Council's current housing land supply position. Therefore, on the basis of the evidence before me I see no reason to conclude that the Council does not have a five year supply of deliverable housing land or that its policies for the supply of housing should not be considered to be up-to-date.
25. The appellant refers to a number of other appeal decisions which have been granted planning permission for proposed residential schemes where there is an accepted five-year supply of housing. I acknowledge that there is nothing in the Framework which precludes further development even if a 5 year supply of housing land exists and I have had regard to the appeal decisions referred to by the appellant. However, the circumstances in these cases differ from those before me in terms of the particular nature of the site in question and its surroundings. The decisions indicate the finely balanced nature of the cases and it is clear that each case needs to be judged on its own merits, on the basis of the evidence before the Inspector. It is on this basis that I have determined this appeal.

#### **Planning balance and Conclusion**

26. The Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. It also confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Therefore, proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
27. Paragraph 7 of the Framework sets out three dimensions of sustainable development, namely the economic, social and environmental roles. These dimensions are mutually dependent and should be jointly sought. The appeal

proposal would deliver some social and economic benefits through the provision of housing. However, it would result in the incursion of built development into the countryside which would have an adverse effect upon the character and appearance of the countryside which forms the strategic gap. It would also reduce the extent and integrity of the strategic gap such as to undermine its purpose of maintaining in the long term the visual and physical separation between the settlements of Glossop and Hadfield.

28. Taking all of the above into account therefore the economic and social gains arising from the appeal proposal would not outweigh the adverse impacts relating to the environmental role of sustainable development such as protecting the natural environment. Therefore, overall it does not fit within the wide definition of sustainable development set out in the Framework. Furthermore, the appeal proposal would conflict with policies S5, EQ2 and EQ3 of the LP. It would also fail to comply with policies H1, H3 and H4 of the LP. Accordingly, it would be contrary to the development plan as a whole.
29. For the reasons set out above therefore and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Beverley Doward*

INSPECTOR

Richborough Estates