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## Appeal Decision

Hearing held on 1 November 2016

Site visit made on 1 November 2016

**by Mike Hayden BSc DipTP MRTPI**

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

**Decision date: 01 December 2016**

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**Appeal Ref: APP/M9496/W/16/3154112**

**Plot 3 and 11A, Deepdale Business Park, Ashford Road, Bakewell, Derbyshire DE45 1GT**

- 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 Mr D. Clapham of County Developments (Bakewell) Ltd against the decision of the Peak District National Park Authority.
  - The application Ref NP/DDD/1215/1135, dated 25 November 2015, was refused by notice dated 15 January 2016.
  - The development proposed is 12 one bedroom flats.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was submitted in outline, with all matters relating to layout, scale, appearance, access and landscaping reserved for subsequent approval. Plans showing a site layout, elevations and floor plans of the proposed development for both Plots 3 and 11A were submitted with the application. The appellant confirmed that these were indicative plans submitted for illustrative purposes rather than as a formal part of the proposal. I have dealt with the appeal on this basis.
3. A completed legal undertaking under S106 of the 1990 Act was submitted by the appellant at the hearing. This would ensure that a financial contribution would be paid to the local planning authority to facilitate the provision of affordable housing for local needs. I am satisfied that the undertaking meets the necessary legal and policy tests set out in section 106 of the Act, in paragraph 204 of the Framework and in regulation 122 of the Community Infrastructure Levy Regulations (2010) as amended. Therefore, I have taken it into account in reaching my decision.

### Main Issue

4. The main issue in this appeal is whether the proposals would constitute sustainable development in the National Park, having particular regard to the policies of the development plan and the National Planning Policy Framework.

## Reasons

5. Policy GSP1 of the Peak District National Park Core Strategy (2011) (the CS) sets out the overarching policy for sustainable development in the Peak District National Park (PDNP). Criterion B of Policy GSP1 requires all development to be consistent with the National Park's (NP) legal purposes and duty. The statutory purposes of the NP are defined in the English National Parks and Broads: UK Government Vision and Circular 2010 (the Vision and Circular). They are to conserve and enhance natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of the special qualities of the NPs by the public. Paragraph 115 of the National Planning Policy Framework (the Framework) attaches great weight to the conservation of the landscape and scenic beauty in the NPs and in footnote 25 refers to the Vision and Circular for further guidance on how this should be managed.
6. In paragraph 78 of the Vision and Circular, the government recognises the NPs are not suitable locations for unrestricted housing. Therefore, the expectation is that new housing will be focused on meeting affordable housing needs, to support local employment and key services. Policy HC1 of the CS applies these principles within the PDNP. It states that provision will not be made for housing solely to meet open market demand, but that exceptionally housing can be accepted where it is for affordable housing for local people or for key workers in local employment sectors. Saved Policy LH1 of the Peak District National Park Local Plan (2001) (the LP) similarly permits new housing where it provides affordable housing with occupancy restricted to local people and would meet needs identified in an up to date housing needs survey.
7. The appeal proposal is for unrestricted market housing. I acknowledge that 12 one bedroom flats would provide accommodation for smaller households for which the Bakewell Housing Needs Survey (2015) identifies a requirement. However, it is clear from the evidence presented and discussed at the hearing that the flats proposed would not be affordable housing, as defined in Annex 2 to the Framework and in criterion (iv) of Policy LH1, nor would they be restricted to occupancy by local people in perpetuity or provide specifically for key workers. Therefore, the proposal would be contrary to the housing policies of the development plan.
8. I have considered the consistency of Policies HC1 and LH1 with the Framework, taking account of the other appeal decisions referred to me on this point. I recognise that the two policies do not expressly include the provision in the second sentence of paragraph 54 of the Framework to consider whether allowing some market housing would facilitate the provision of significant additional affordable housing. In this specific respect, they are not consistent with the Framework.
9. However, Policies HC1 and LH1 are otherwise consistent with the Framework. They reflect the overall approach to housing in rural areas set out in paragraphs 54 and 55 of the Framework, including the emphasis on providing for local needs and affordable housing. They are also consistent with the policy of limiting development in the NPs to conserve their landscape and scenic beauty, recognised in paragraph 115 of the Framework, and with the restrictions on housing development in NPs set out in the Vision and Circular, referenced in footnote 25 of the Framework. Paragraph 215 of the Framework states that for plans adopted prior its publication, weight should be given to relevant policies

in existing plans according to their degree of consistency with the Framework. On this basis, I attach significant weight to Policies HC1 and LH1.

10. In considering the proposal against the second sentence of paragraph 54 of the Framework, the proposed development would make a financial contribution of £110,000 towards affordable housing elsewhere in the NP. However, from the discussion which took place at the hearing, it is clear that whilst this sum could provide seed capital as part of a funding package for an affordable housing scheme, it would not be sufficient to pay for the cost of one affordable dwelling in the NP. I acknowledge the conclusion of the Inspector in the previous appeal at Deepdale Business Park (Ref: APP/M9496/W/14/3001876), that a sum of £55,000 had the potential to facilitate the provision of significant affordable housing. However, that was based on specific evidence before him regarding an affordable housing scheme at the nearby Lady Manners School in Bakewell. The PDNP Authority confirmed that the funding for that scheme is now in place and I was not advised of any other schemes in the NP for which the contribution in this appeal would enable such a level of affordable housing. Therefore, on the basis of the evidence before me, the proposed contribution of £110,000 would not be sufficient to facilitate the provision of significant affordable housing. Accordingly, the proposal would not comply with the second sentence of paragraph 54 of the Framework.
11. I have taken account of the viability appraisal submitted by the appellant, which suggests that the proposed development could not support a larger contribution to affordable housing. It was also agreed by the parties that the proposal would contribute to the housing requirement of Derbyshire Dales, where there is a shortfall in housing land supply. However, neither of these considerations justifies a scheme for unrestricted market dwellings, which would fail in any significant way to address the priority housing needs of the Peak District nor be consistent with the purposes of the NP.
12. Turning to the employment land considerations. The appeal site forms part of the Deepdale Business Park, which is allocated in saved Policy LB6 of the LP as a site for industrial or business development. Policy E1 of the CS safeguards existing business sites, particularly those of high quality and in a suitable location. In turn this supports the purposes and priorities of the National Park to foster and maintain thriving rural economies and working communities, expressed in paragraphs 68 to 75 of the Vision and Circular.
13. Deepdale Business Park is one of 12 key employment sites in the National Park and one of only two such sites in Bakewell. It is recognised in the Bakewell Employment Land and Retail Review (2016) (BEL&RR) as a suitable location for future office and light industrial uses, with high quality accommodation and good strategic road access. The appeal site itself is in a prime position at the entrance to the Business Park, offering two undeveloped plots, which also form part of the landscaped setting to the surrounding employment uses.
14. I recognise that the BEL&RR does not count the appeal site as part of the quantitative supply of employment land in Bakewell. However, neither is there a suggestion in the BEL&RR that it does not contribute to the future supply of employment sites in Bakewell, given its location on the Business Park. Although the BEL&RR records an overall surplus of employment land in the town of approximately 1 hectare (ha), there is some uncertainty about the deliverability of the 1 ha site at the Riverdale Business Park. On this basis the

land available at Deepdale Business Park, including the appeal site, is even more important as part of the employment land supply in Bakewell.

15. Paragraph 22 of the Framework states that planning policies should avoid the long term protection of sites allocated for employment land and where there is no reasonable prospect of a site being used for that purpose, applications for alternative use should be treated on their merits. I acknowledge that the two plots forming the appeal site have been vacant since Deepdale Business Park opened and have been marketed with no take up to date. I also recognise that the commercial property market in the sub-region is challenging and that the appeal site is in competition with other properties in the NP and more accessible locations within the surrounding city regions.
16. However, plots on the Business Park have been taken up over time and the space which has been developed is well let, with 22 out of 24 units occupied. This suggests that there is demand for business space of the right quality and type in Bakewell, which is supported by the findings of the BEL&RR about latent demand from employers in the town. Therefore, I am not persuaded that the point has been reached where there is no reasonable prospect of the appeal site being used for employment purposes, to justify its development for an alternative use. On the contrary, given its quality, location and availability, and the difficulties with other sites in Bakewell, the appeal site remains an important part of the supply of employment land in Bakewell and the NP.
17. I recognise the site is an accessible location for housing and that the design and scale of buildings illustrated in the submitted plans would be unlikely to cause visual harm to the character and appearance of the surrounding landscape. However, neither of these considerations would justify the harm that would be caused to the overall purposes of the NP by the release of a good quality employment site for a type and tenure of housing which would not meet the priority local housing needs of the NP.
18. To the extent that Policies HC1 and LH1 are silent in respect of the second sentence of paragraph 54 of the Framework, paragraph 14 of the Framework is relevant. However, the presumption in favour of granting permission in paragraph 14 does not apply where specific policies in the Framework indicate development should be restricted. Footnote 9 to the Framework cites policies relating to land within a NP in this regard. My assessment of the government's policies for NPs in paragraph 115 of the Framework and the Vision and Circular set out above, lead me to conclude that in this case the proposed development should be restricted.
19. On this basis, I find that the appeal proposal would not constitute sustainable development in the National Park. It would be contrary to Policies GSP1, DS1, HC1 and E1 of the Core Strategy and saved Policies LH1 and LB6 of the Local Plan. Consequently, it would also fail to comply with paragraph 115 of the Framework.

## **Conclusion**

20. For the reasons given above I conclude that the appeal should be dismissed.

*M Hayden*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Nick Baseley MA(Hons)TP MRTPI	Agent	IBA Planning Ltd
D.A. Clapham	Appellant	County Developments (Bakewell) Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

John Scott	Director of Conservation & Planning	Peak District NPA
Brian Taylor	Planning Policy Manager	Peak District NPA

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 - Appeal decision for Land adjacent to The Old Vicarage, Heads lane, Bolsterstone, Sheffield S36 3ZF (Ref: APP/M9496/W/16/3148333) – dated 23 September 2016
- 2 – Appeal decision for Dove Dairy, Stonewell Lane, Hartington, Buxton SK17 0AH (Ref: APP/M9496/W/15/3053101) – 13 October 2016
- 3 – Unilateral Undertaking relating to Land on the south side of Ashford Road, Bakewell DE45 1GT – dated 1 November 2016.
- 4 – Bakewell Employment Land and Retail Review – dated May 2016.