



Appeal Decision

Site visit made on 13 February 2018

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2018

Appeal Ref: APP/P1045/W/17/3188285

Land East of Les-Ardennes, Mugginton Lane End, Hulland Ward DE6 3EE

- 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 Mrs Pamela Fox against the decision of Derbyshire Dales District Council.
 - The application Ref 16/00872/OUT, dated 30 November 2016, was refused by a notice dated 12 July 2017.
 - The development proposed is described as 'Application (all matters except access to be reserved) for the residential development of up to 17 dwellings with associated infrastructure (one access off Mugginton Lane End)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is for outline planning permission, with all matters except for access reserved for future consideration. A drawing showing an indicative site layout has been submitted with the application and I had regard to this drawing in determining the appeal.
3. Since the appeal has been submitted the Council has adopted its Local Plan, December 2017. Details of the relevant adopted LP policies have been subsequently provided by the Council, and the appellant has had an opportunity to comment on them and so has not been prejudiced.

Main Issues

4. The main issues in this case are:
 - Whether or not the proposed development would be acceptable in principle in this location, having regard to local and national planning policies.
 - The effect on the character and appearance of the area.

Reasons

Whether or not the proposed development would be acceptable in principle

5. The recently adopted Derbyshire Dales District Council Local Plan, 2013-2033 (LP) sets out the Council's vision for new development. Policy S2 of the LP requires new development to be directed towards the most sustainable

locations and in accordance with the settlement hierarchy set out in this policy. Taking account of its accessibility to some facilities, Hulland Ward is identified as a third tier settlement. The adopted Policies Map identifies settlement development boundaries to define the physical extent of those settlements which are considered to be most appropriate and sustainable given the scale of growth envisaged. Policy S2 states that new development should be focused within the settlement boundaries in accordance with the scale, role and function unless otherwise indicated in the Local Plan. Outside of settlement boundaries in areas of countryside, Policy S4 indicates that development will be strictly controlled.

6. In relation to the appeal site the LP identifies its location as open countryside. Although the appeal site is contiguous with an allocated housing site to the north of it, it clearly lies outside of the defined settlement boundary for Hulland Ward. There is no dispute that the Council can currently demonstrate a five year housing land supply and the development plan is not absent, silent and relevant policies are not out-of-date. Accordingly, the appeal proposal must be determined in accordance with the development plan as set out in Section 38 (6) of the Planning and Compensation Act, 2004, unless material considerations indicate otherwise.
7. Given the location of the appeal site within the countryside the proposed development would clearly conflict with the Council's development strategy to direct new housing development to within the defined settlement boundaries of Market Towns, Local Service Centres and Accessible Settlements with some facilities. Furthermore, the appeal proposal would not comprise a form of residential development or meet any of the criteria set out in Policy S4 whereby planning permission would be permitted for development in the countryside.
8. I therefore conclude that the appeal site is not a suitable location in principle for the proposed development, in the light of local and national planning policies. It would conflict with the development plan and in particular with Policies S2 and S4 of the LP, the aims of which are set out above.

Character and appearance

9. Historically Hulland Ward developed along the A517 following the ridgeline within the landscape. More recently development has taken place to the north of this road. Development to the south of the A517 retains a close relationship with the road and with the exception of the occasional farmstead, there is a clear line of development along this side of the road and a swathe of countryside stretches out to the south of it. The settlement thus has a distinct settlement pattern.
10. The appeal site is located on the south eastern fringe of the village and comprises the southern half of an approximately 1.8 hectare field. The northern half of the field which fronts the road has been allocated for housing in the LP. Visually, development on the northern half of the site would appear as infill development between Charles Walker Close and the cluster of cottages to the east of it. Development on this allocated site would thus reflect the existing settlement pattern, following the line of the ridge, and containing development to within the existing development limits along the southern side of the main road.

11. The appeal proposal would extend development beyond the southern development limits of the existing village. Whilst the development would be laid out in the form of a cul-de-sac, similar to other developments on this side of the road, the overall depth of development proposed would result in a marked incursion into a swath of open countryside.
12. I have taken into consideration the Landscape and Visual Impact Assessment¹ submitted with the application, and I agree that from many of the viewpoints considered within it, the appeal proposal would have a negligible visual impact on the overall character of the landscape. However, views and the experience of the landscape for users of the public footpath to the west of the site would significantly change. There is presently a deep sense of enclosure on entering the footpath and travelling between Charles Walker Close and Les-Ardenes. However, on passing over the stile the experience of being part of the village dissipates immediately. Panoramic views are available over the open landscape and the village and built development is clearly left behind you. The proposed development would restrict views to the East when emerging over the stile and the existing panoramic views would be lost. Consequently, the existing immediate sense of openness and feeling of being part of a swathe of countryside would be significantly diminished.
13. Moreover, the distinct settlement pattern of Hlland Ward would be eroded. When traveling along Smith Hall Lane and from the layby just to the south of its junction with Mugginton Lane End, the pattern of ribbon development along the road is clearly discernible. The appeal proposal would extend development well beyond the existing line of development and result in an incursion into the open countryside contrary to the established settlement pattern.
14. I recognise that there are no landscape or physical features which separate the allocated site from the appeal site. However, visually the appeal proposal would have a significantly more harmful effect than development on the allocated site when taking into account the existing settlement pattern. In addition it would encroach into open countryside. That harm would not be mitigated by new tree and hedgerow planting, or indeed by the use of vernacular building materials.
15. I conclude that the proposed development would have harmful effect on the character and appearance of the area. It would conflict with the development plan, and in particular with Policies S1, PD1 and PD5 of the LP which seek to ensure, amongst other things, that new development conserves and where possible enhances the natural environment, respects the character and identity and context of Derbyshire Dales townscapes and landscape, and resists development that harms the setting of a settlement.

Other Matters

16. The National Planning Policy Framework requires local authorities to significantly boost their supply of housing, and five year housing land supply should only be a minimum. In this regard the LP makes provision for new development to come forward during the plan period subject to certain criteria should their identified supply be lacking. The Council is however currently able to demonstrate a five year supply and the 'titled balance' referred to in the appellant's statement would not apply in this instance.

¹ Landscape & Visual Impact Assessment, prepared by Encom Associates, April 2017

17. I have taken into account the Council's need for affordable housing and note that the appellant considers that the proposed development would help to meet that need. However, I have not been provided with any planning obligation or mechanism by which affordable housing would be secured in this case. I therefore give this consideration limited weight.
18. I have had regard to the appeal decision cited by the appellant². However, this decision was made prior to the Council adopting their LP. The considerations before that Inspector were therefore different to those before me in this case and that decision is not therefore directly comparable.
19. I accept that the site has some sustainability credentials in terms of its location and would provide some economic and social benefits in terms of housing supply and local spend. However, for the reasons set out above the appeal proposal would be in conflict with the development plan and there are no material considerations that would indicate that my decision should not be made other than in full accordance with that plan.

Conclusion

20. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR

² Appendix 8: APP/P1045/W/17/3167362