
Appeal Decision

Site visit made on 28 January 2015

by Michael R Moffoot DipTP MRTPI DipMgt MCMi

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

Decision date: 9 March 2015

Appeal Ref: APP/H1033/A/14/2229007

141 Manchester Road, Chapel-en-le-Frith, High Peak SK23 9TN

- 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 & Mrs Andrew Bartholomew against the decision of High Peak Borough Council.
 - The application Ref: HPK/2014/0263, dated 4 June 2014, was refused by notice dated 30 September 2014.
 - The development proposed is 'outline planning permission for up to 28 dwellings, site access, highway works, landscaping and associated works'.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issue

2. Notwithstanding the above description of development, the planning application form states that the proposal is in outline with all matters other than access reserved for future approval. The accompanying site layout plan indicates a cul-de-sac of 28 dwellings in single and two-storey form served by an access to the side of the existing dwelling. The supporting information makes it clear that the drawing is for illustrative purposes only, and I shall treat the proposal on this basis.
3. The appeal is accompanied by an agreement under section 106 of the Town and Country Planning Act 1990 which provides for an element of affordable housing on the site and financial contributions towards open space, play space and secondary school provision. The agreement is a material consideration in the appeal and I return to the matter later in the decision.
4. Although some interested parties have questioned the housing supply figures, it is common ground between the main parties - based on the latest evidence - that the Council cannot demonstrate a five year supply of deliverable housing sites as required by the *National Planning Policy Framework* ('the Framework'). In these circumstances paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date, and paragraph 14 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of granting permission when assessed against the Framework as a whole.
5. Accordingly, I consider that the main issue in this case is whether, in the absence of a five year supply of deliverable housing land, the proposal would

amount to a sustainable form of development in accordance with relevant national and local planning policy, with particular reference to the effect on the settlement pattern of the area and its landscape character.

Planning policy background

6. The development plan for the area is the *High Peak Saved Local Plan Policies*. Amongst other things, policy GD4 states that planning permission will be granted for development provided that it would be sympathetic to the character of the area and there would not be undue detrimental effect on the visual qualities of the locality or wider area. In restricting development to that which is an integral part of the rural economy and can only be carried out in the countryside, policy OC1 includes a requirement that the proposal would not have a significant adverse impact on the character and distinctiveness of the countryside.
7. Policy OC4 permits development in the countryside provided that the design is appropriate to the character of the landscape and its particular characteristics, including the landform and the pattern and distribution of settlements. Policy OC5 says that development which would materially harm the purposes or valued landscape characteristics of the Peak District National Park in terms of scale, design, siting, external appearance or landscape treatment will not be permitted.
8. The emerging replacement Local Plan¹ was submitted to the Secretary of State for Communities and Local Government in August 2014 and a formal examination in public is presently taking place. However, as relevant policies in the Plan may be the subject of unresolved objections I can only attach very limited weight to the document.
9. The emerging *Chapel-en-le-Frith Parish Neighbourhood Development Plan 2013-2028 (Examination Version)* has been subject to public consultation, and a formal examination is due to take place in January 2015. The Council advises that there are over 300 representations to the document, with the majority relating to proposals to designate a Special Landscape Area and Local Green Spaces. The appeal site is subject to both these designations, and reference has been made to other policies in the Plan which are also considered relevant, including housing mix and density, site design briefs, affordable housing and design quality and criteria. As in the case of the emerging Local Plan, the Framework advises that decision-takers may give weight to relevant policies in emerging plans according to, amongst other things, the extent to which there are unresolved objections to relevant policies. As such, I am unable to give the Neighbourhood Development Plan much weight at this stage.

Reasons

10. Manchester Road extends westwards from the town centre and, in the vicinity of the appeal site, comprises linear residential development on both sides of the road. The appellant's property includes a sizeable two-storey dwelling situated between No 143 and Whitestones, a large residential care home. The 0.91 hectare site comprises land to the side and rear of the existing house and is largely down to rough grass with parcels of undergrowth and

¹ *High Peak Local Plan Submission Version* (April 2014)

scrub and boundary trees. The main part of the site falls quite steeply southwards towards the golf course which forms part of the gently undulating Combs Valley that extends to higher land on the other side which marks the boundary of the Peak District National Park.

11. Development on the south side of Manchester Road is characterised by substantial detached properties set back from the road in large grounds enhanced by mature trees and other vegetation that combine to impart a distinct sense of spaciousness. In contrast, housing on the opposite side of the road is of a smaller scale and more compact and regular in its arrangement with a marked urban character.
12. The site lies outside the 'Built-up Area Boundary' for Chapel-en-le-Frith as defined on the Local Plan Proposals Map and is therefore in the countryside for planning policy purposes, where new development is not normally permitted under the provisions of the Local Plan. The landscape here is not presently safeguarded by national or local landscape designations. However, the Framework recognises the intrinsic character and beauty of the countryside and encourages protection of valued landscapes, including conserving landscape and scenic beauty in National Parks. A careful assessment of the visual impact of the appeal proposal on the surrounding area is therefore necessary.
13. The site is within the 'Dark Peak' National Character Area², described as a landscape of large-scale sweeping moorlands, in-bye pastures enclosed by drystone walls, and gritstone settlements within the Pennine chain. Acknowledging this designation, the *Landscape Character Supplementary Planning Document* and *The Landscape Character of Derbyshire* place the main, developable part of the appeal site within the 'Settled Valley Pastures' Landscape Character Type (LCT). Many characteristics of the LCT are evident in the vicinity of the appeal site and its wider setting. They include moderate to steep lower valley slopes dissected by stream valleys, a wooded character associated with tree belts along streams and cloughs, scattered hedgerow trees and tree groups around settlements and farmsteads and small, irregular fields enclosed by mixed species hedgerows and occasional dry stone walls.
14. This is therefore an attractive landscape that in my view is sensitive to change. Although the *High Peak Local Plan Landscape Impact Assessment*³ identifies the 'Settled Valley Pastures' LCT as one that allows for extensive development, it acknowledges that all development should contribute to and not erode landscape character. The document includes Areas of Search which could not accommodate development without significant harm on visual amenity, landscape character and the purposes of the Green Belt and National Park. In respect of Chapel-en-le-Frith it notes that "*All land to the east, south and west is elevated and visually prominent. Any development would have a high visual impact and affect the setting of the National Park*".
15. During my visit I assessed the visual impact of the appeal proposal from the locations referred to by the main parties and from other vantage points in the area, including various public rights of way. Whilst the new access to serve the proposed development would inevitably have some visual impact on Manchester Road, its effect would be relatively modest and as such it would

² National Character Areas - Natural England

³ Produced for the Council as an evidence base for site selection in the emerging Local Plan

not appreciably compromise the street scene. Furthermore, due to the high boundary walls to property frontages, abundant trees and other vegetation and large buildings on this side, the proposed development would not be readily visible from the road such that it would be visually intrusive.

16. However, the proposal would have a significant impact on the landscape from viewpoints to the south, south-east and south-west. It would be clearly visible at relatively close range from the public footpaths which cross the golf course at a slightly lower level notwithstanding the trees and other foliage that border the site, and would be more prominent during autumn and winter months when the vegetation thins out. Furthermore, there is no guarantee that the trees on the golf course would remain in the longer term, and I am not persuaded that supplementary landscaping within the appeal site would fully address this concern. The development would also be partly visible from the section of the public right of way between Marsh Hall Lane and the field that ultimately joins the golf course footpaths.
17. The scheme would become progressively more visible as one travels northwards along the public right of way from Combs Road to the golf course, and would be readily apparent from elevated viewpoints on the footpath that skirts the railway line to the west of the station and to those users of the train service. I also assessed the proposal from Castle Naze, an elevated viewpoint within the National Park that affords panoramic views across the valley towards the site and from nearby Long Lane. From these vantage points and others in the vicinity the development would be clearly discernible and intrusive on this sloping site despite the separation distances involved.
18. From the majority of these and other localised viewpoints I visited the development of some 28 dwellings would be observed on rising land just below the low ridgeline of Manchester Road, albeit to varying degrees. The linear pattern of development along the road is a strong and distinctive element in the composition and character of this part of the settlement and markedly distinguishes it from the adjacent countryside. The greater part of the site does not adjoin built development but open areas, and although its visual impact would be tempered slightly by the bulk of the adjoining care home, the development in depth proposed would depart from and be wholly incompatible with the prevailing form and pattern of housing, effectively introducing an urban form of estate development into a largely rural landscape. As such, the harm to the settlement pattern of the area and its landscape character would be significant and the landscape characteristics of the National Park would be unacceptably compromised.
19. I also assessed the impact of the appeal proposal from viewpoints in the wider landscape, including those identified by the main parties. However, the mitigating effect of distance would render it far less prominent from these more remote locations and its visual impact would be relatively insignificant.
20. In coming to these findings I am mindful of the recent grant of outline planning permission for residential development on land adjacent to 129 Manchester Road⁴. I have also read the Planning Officer's assessment of that proposal in terms of its impact on the landscape. However, it seems to me that whilst that scheme is likely to be prominent from Manchester Road and viewpoints to the south, it would relate reasonably satisfactorily to built

⁴ Council ref: HPK/2014/0210

development to the north, east and west and would not involve the degree of encroachment into the countryside that the proposal before me would. Accordingly, it is not of critical significance to my determination of this appeal.

21. Drawing these findings together, I conclude that the proposal would introduce built development into the landscape resulting in significant and demonstrable harm to the settlement pattern of the area and its landscape character. It would also harm the purposes and valued landscape characteristics of the National Park. As such, it would conflict with policies GD4, OC1, OC4 and OC5 of the Local Plan, which are consistent with the Framework.

Other Matters

22. In terms of the three dimensions to sustainable development set out in paragraph 7 of the Framework, the proposal would make a modest contribution to the local economy during the construction stage. This would continue when the houses are occupied and residents would be able to access local services and facilities in the town on foot and other settlements by rail and bus without undue reliance upon the private car. The dwellings would fulfil a social role by making a modest contribution to the deficit of housing land in the Borough and providing an element of affordable housing. However, the effect on the settlement pattern of the area and its landscape character would be seriously harmful, and as such the proposal would fail to satisfy the environmental dimension of sustainable development.
23. The s106 Agreement does not overcome the fundamental planning objection I have found. In view of this it is not necessary to assess the obligation against the relevant policy and legal tests.
24. As to concerns regarding highway and pedestrian safety, adequate visibility could be achieved at the new access and I have no evidence before me to show that the local highway network is incapable of accommodating the traffic generated by the development. Adequate parking provision within the site is a matter for consideration at the reserved matters stage. No technical evidence has been provided to demonstrate that the housing would aggravate flooding in the locality and the Environment Agency offered no objections to the proposal. No substantive evidence is before me to show that local medical and other services could not accommodate demand from the development.
25. Concern has been expressed regarding loss of wildlife habitat, but the site is not subject to any special protection and I do not consider that this constitutes a valid reason for dismissing the appeal. Other submissions concern matters unrelated to the planning merits of the appeal and do not affect my judgement of the issues that I consider relevant to the case.

The planning balance

26. The appeal site lies outside the Built-up Area Boundary for Chapel-en-le-Frith and is in the countryside. The proposal would result in significant and demonstrable harm to the settlement pattern of the area and its landscape character and would harm the purposes and valued landscape characteristics of the National Park. As such, it would conflict with the development plan

and would not accord with the environmental dimension of sustainable development as defined in the Framework.

27. There is not a five year supply of deliverable housing sites in the Borough and the proposed development, including an element of affordable housing, would contribute to the Government's stated aim of boosting significantly the supply of housing. It would also accord with the economic and social dimensions of the Framework. These factors favour the proposal. The other matters I have referred to above are not determinative in this case and have a neutral effect on the planning balance.
28. However, when assessed against the policies in the Framework taken as a whole the harm to the settlement pattern of the area and its landscape character significantly and demonstrably outweighs the benefits, including those in terms of housing provision. Furthermore, the proposal would not achieve sustainable development so the presumption in favour of it does not apply. Therefore, for these reasons the appeal is dismissed.

Michael R Moffoot

Inspector

Richborough Estates