
Appeal Decision

Hearing Held on 30 & 31 July 2024

Site visit made on 31 July 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2024

Appeal Ref: APP/H1033/W/24/3341260

Land to the west of Bridgemont, Whaley Bridge SK23 7PB

- 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 Treville Properties Ltd against the decision of High Peak Borough Council.
 - The application Ref HPK/2023/0061, dated 10 February 2023, was refused by notice dated 11 December 2023.
 - The development proposed is outline planning application for affordable housing with access considered and all other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has altered from the application form to the decision notice. It was agreed at the Hearing between the main parties that the description on the decision notice was considered most appropriate. I have therefore considered the proposal based on the description of 'outline planning application for affordable housing (up to 42) with access considered and all other matters reserved' although have omitted wording that is not a description of development. I acknowledge that this is a resubmission of an earlier proposal.
3. The evidence includes an indicative site plan which shows 42no. dwellings laid out across the site. It was suggested at the Hearing this plan should be afforded moderate or substantial weight. I have therefore based my consideration on a scheme of 42no. dwellings.
4. The application was originally made in the name of Treville Properties (TP) and Great Places. It was confirmed at the Hearing that Great Places were no longer the affordable housing partner for TP on this scheme. The appeal therefore proceeds in the name of TP only.
5. Refusal reason three on the Council decision notice stated that insufficient information had been submitted with the application relating to the landscape and visual effects of the scheme on the Peak District National Park (PDNP) area and its setting. Correspondence received prior to the Hearing indicated that the third reason for refusal was no longer required and had fallen away. The

Councils Hearing statement¹ confirmed that the wider landscape setting of the PDNP would not be noticeably affected by the proposals in either an adverse or positive way. Given the implied neutral impact of the scheme in this regard, with which I would not disagree, I will not address this matter further.

6. A Planning Obligation has been submitted in the form of a unilateral undertaking. The obligation would ensure the delivery of every property on the development as an affordable dwelling. It also provides for financial contributions towards play space, parks and gardens, outdoor sports, the improvement of public transport facilities, travel plan monitoring fee, and legal costs contribution. It also covers matters such as the future management and maintenance of site access roads and other areas of landscape not transferred to owners/occupiers of housing.
7. The evidence indicates that these provisions would be necessary to make the development acceptable in planning terms, were I minded to allow the appeal. They are directly related to the development and fairly and reasonably related in scale and kind to the development. These parts of the planning obligation meet the tests within paragraph 57 of the Framework².
8. During the course of the Hearing, a consultation on 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system' and the 'National Planning Policy Framework: draft text for consultation' (the Framework consultation document) was published by the Government. The status of those documents, being in the consultation phase, significantly limits the weight that I afford to them. Nevertheless, together with the Secretary of State's written ministerial statement entitled 'Building the homes we need' (the WMS) and the letter from the Deputy Prime Minister to local authorities: "Playing your part in building the homes we need" (the letter), both of which I afford some weight, they are material considerations. Consequently, the main parties were permitted a short period prior to the close of the Hearing to submit their comments on these documents in writing. I have taken those representations into account.
9. With regard to the Framework consultation document, the appellant indicates that the proposed updated standard method for calculating housing supply would result in a substantial increase in the annual housing need for High Peak Borough. Further, the appellant also indicates that the appeal site would meet the newly introduced definition of 'Grey Belt'. However, I am not convinced that would be the case given that the manner in which the site acts to safeguard the countryside from encroachment. In any event, overall, the Framework consultation document could be subject to change and on that basis, I only afford it very limited weight.

Main Issues

10. The main issues are i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies ii) the effect of the proposal on the openness of the Green Belt, iii) the effect of the proposal on the appearance of the area with particular regard to its landscape and visual effects, and iv) if the development were considered inappropriate development whether any harm

¹ Ryder Landscape Consultants Hearing Statement on Landscape and Visual Matters July 2024, Para 8.22, p61.

² National Planning Policy Framework 2023.

would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

11. Policy EQ 4 of the High Peak Local Plan (2016) (LP) relates to Green Belt Development. It states that within the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy.
12. The Framework at paragraph 154 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions.
13. Part f) of paragraph 154 identifies an exception as 'limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)'.
14. However, Bridgemont is only a modestly sized settlement, set on and close to the A6 to the north of Whaley Bridge and to the south of Furness Vale. The provision of around 42 dwellings would represent a substantial addition to Bridgemont both in terms of site area and dwelling numbers. Therefore, the development would be extensive, rather than limited. Therefore, as the scheme is not limited, it cannot therefore fall under the exception identified by Part f) of paragraph 154 of the Framework.
15. There is nothing within the evidence which convinces me that the land should be considered previously developed land (PDL). The Council acknowledge that a small part of the appeal site which previously formed the hard-surfaced car park of the former Dog and Partridge PH forms PDL. This land sits lower than the majority of the elevated site adjacent to and at the same level as existing built development forming the developed body of Bridgemont. Despite sitting astride the upper level of the appeal site its visual association with the main body of the site is limited.
16. The site does not therefore comprise previously developed land and the proposal would not therefore meet the exception identified by Part g) of paragraph 154 of the Framework. The development is therefore inappropriate development within the Green Belt under the terms of paragraph 154 of the Framework.

Openness of the green belt

17. A 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. The assessment of openness requires a consideration of both spatial and visual aspects.
18. From Buxton Road to the east of the appeal site the houses on the western side of the road as well as the woodland which is set to the south provide substantial screening to the site for much of its length.
19. However, the site is clearly visible from extensive sections of the public right of way (PROW) which spans the majority of the western boundary of the site from across the other side of the railway line. From this right of way, the site

appears as part of the countryside which envelopes the PROW and separate from the developed body of Bridgemont.

20. The provision of 42 dwellings would introduce a substantial volume of built development on the site. It would also be likely to restrict the currently available medium and long distance views available from the PROW through the site and along the valley and towards the hills to the east.
21. Given that the proposal would introduce a substantial amount of built development into what is currently part of the countryside surrounding Bridgemont, the proposal would conflict with the purpose of the Green Belt in this specific location to assist in safeguarding the countryside from encroachment.
22. The Green Belt harm would not be mitigated by the presence of the railway line. To conclude on this issue, there would be substantial harm to the Green Belt in both spatial and visual terms. There would also be conflict with one of the purposes of the Green Belt. I have taken account of the submitted judgements³ when considering these matters.

Landscape and visual effects

23. The site lies within the Landscape Character Areas (LCA's) identified as Settled Valley Pastures and Valley Pastures with Industry. Both include scattered farmsteads and areas of compact settlement.
24. The landscape and visual effects of the proposal were discussed at the Hearing with particular focus on close and long range views. In terms of long range viewpoints those from both Eccles Pike and Chinley Churn were deemed to be most important.
25. Within those views, the site in visual terms sits low within the valley and falls within the banding of trees which extend out from Whaley Bridge distinct and separate from the open land extending upwards to the west. The visual effect from those locations would therefore be negligible. The effect of the proposal with regard to landscape impact would therefore be limited.
26. The greatest visual effects associated with the proposal would be experienced by users of the PROW to the west of the site. In views from this PROW, the site appears as an integral part of the countryside through which one passes whilst on this route which frames the settlement of Bridgemont.
27. The visual impact from these public views would be transformative and the site would be likely to subsequently adopt an urban rather than rural appearance. Further, whilst there is uncertainty around the boundary treatment, some form of hard edging would likely be required, whether that would be closed boarded fencing to assist in limiting the impact of noise associated with the use of the railway or a more secure form of fencing to meet security requirements for the railway. Although the impacts would be localised, there would be a significant adverse impact on the character and appearance of the area.
28. The Council indicated at the Hearing that they had identified significant adverse landscape and visual effects by adding up harms they had identified from

³ Euro Garages Ltd vs. SoC for CLG and Cheshire West and Chester Council [2018] EWHC 1753 (Admin) & Samuel Smith Old Brewery (Tadcaster) & Ors, R (on the application of) v North Yorkshire County Council [2020].

various viewpoints. However, I have not identified any significant adverse landscape impact given the LCA's account for compact settlements and therefore some degree of built development within the character area.

29. The proposal would not therefore conflict with Policies S 1, S 6, EQ 2 or EQ 3 of the LP which amongst other things broadly seek the protection of landscape character. There would however be conflict with Policy EQ 6 which amongst other things requires development that responds positively to its environment and which does not cause unacceptable impacts on local character and amenity.

Other considerations

30. The appellant has identified an under-delivery of affordable housing across High Peak Borough. They consider that the Council is unlikely to be able to meet its affordable housing needs over the next five years.
31. Given the number of households on the housing register specifying a preference for an affordable home in Whaley Bridge Parish (WBP) and the potential for other need which is not identified by this register when set against recent affordable housing delivery within WBP there also appears to be a need for affordable housing within WBP.
32. The Council has identified forthcoming affordable housing within the locality at both the Linglongs site and Furness Vale site. This provision will go some way to meeting local affordable housing need.
33. However, it was discussed at the Hearing that only a limited number of the properties on the Furness Vale site are secured via a planning obligation as affordable housing which could raise doubt having regard to the evidence before me that the whole site will be delivered as affordable housing. To conclude on the issue of need, the need for affordable housing is likely to be substantial.
34. The provision of affordable housing aligns with the Governments objectives outlined within the WMS and the letter. The provision of 42 affordable houses at the site is a benefit that should be afforded substantial weight. The proposal would accord with Policy H 5 which outlines the circumstances under which rural exception sites will be considered suitable for housing development.
35. The evidence⁴ indicates that given the shortfall in habitat units on site post development at -24.52% the consideration of an offsite provision for biodiversity net gain should be considered. The evidence indicates that land is available at another site 2km away from the site at Taxal. The strategy proposes improvement through management of grassland and scrub which would result in a total net gain of 27.45% habitat units. It appears a net gain in hedgerow units could be achieved on site. This matter is afforded moderate weight.
36. The appeal site is located within easy reach of transport links and services and facilities. There would be social and economic benefits, including but not limited to construction spend and spend in the local area by prospective residents and the proposal would contribute positively towards overall housing supply. Local

⁴ Technical Note: Biodiversity Metric Update for Land off Buxton Road, Bridgemont – Baker Consultants - January 2023.

public transport facilities would be subject to some improvement through the funding proposed. These matters are afforded moderate weight.

37. My attention has been drawn to a previous permission relating to affordable housing close to this site for 5 no. houses and 8 no. apartments at Ringstone Rise (LPA Ref HPK/2017/0536). However, that scheme related to significantly fewer dwellings than the number before me under this proposal and has less public visibility than the site before me. I therefore afford that matter limited weight.
38. I have been provided with an appeal decision reference APP/M1520/W/22/3310483 relating to a site in Thundersley, Benfleet in which an Inspector afforded very substantial positive weight to the provision of affordable housing. However, the circumstances of that scheme do not appear to directly replicate those surrounding the appeal before me.
39. The report indicates that the examining Inspector for that Councils previously withdrawn Local Plan indicated there were exceptional circumstances for the parcel of land within which the appeal site was situated to be removed from the Green Belt. The Inspector considered this was a material consideration of significant weight. Further, the Inspector when considering his position on affordable housing noted that the Council withdrew a sound local plan. I therefore afford this appeal decision limited weight given the circumstances do not appear to closely align with those before me.

Planning Balance and Conclusion

40. I have found that the development is inappropriate development within the Green Belt and would result in substantial harm to the openness of the Green Belt and would conflict with one of the purposes of including land within the Green Belt. There would also be a significant adverse impact on the character and appearance of the area.
41. The proposal should not be approved except in very special circumstances and I must attach substantial weight to any harm to the Green Belt. The weight of the other considerations do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the development do not exist. For the reasons set out above, and having regard to all other matters, the appeal should be dismissed.

T Burnham

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Rawdon Gascoigne (Emery Planning)

Caroline Payne (Emery Planning)

Lynn Jones (Emery Planning)

James Stacey (Tetlow King – Affordable Housing)

Ella Leeming (Barnes Walker - Landscape)

Philip Robson (Counsel - King's Chambers)

FOR THE LOCAL PLANNING AUTHORITY

Chris Turner

Emily Wentworth

Stuart Ryder (Landscape)

Christian Hawley (Counsel)

INTERESTED PARTIES

Nigel Rowland (Supporting)

Nigel Bennet (Supporting)

Beverley O'Donoghue (Supporting)

Documents submitted at Hearing

Enforcement Correspondence regarding the site

Aerial photo from Andy Thomas

Network Rail Letter

Draft S106 Planning Obligation

Landscape viewpoint summary sheet – Chinley Churn & Eccles Pike

Whaley Bridge Neighbourhood Plan 2022-2032

Noise Assessment

Committee Report for HPK/2017/0536

Old Hunstanton Judgement

Documents submitted after Hearing

Signed Unilateral undertaking and accompanying correspondence

Comments from main parties on WMS, Draft Framework, Appellant comments on Letter

CIL Compliance Statement

Richborough