
Appeal Decision

Site visit made on 30 August 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 23 September 2016

Appeal Ref: APP/M9496/W/16/3148333

Land adjacent to The Old Vicarage, Heads Lane, Bolsterstone, Sheffield, S36 3ZF

- 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 John Raynor against the decision of Peak District National Park Authority.
 - The application Ref NP/S/1015/1008, dated 21 October 2015, was refused by notice dated 15 January 2016.
 - The development proposed is described as a *"single subterranean 'eco house' self-build dwelling for existing local residents, associated access and extensive soft landscaping scheme to provide ecological, environmental, landscape and scenic enhancement."*
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are twofold:
 - (a) the effect of the proposed development upon the character and appearance of Bolsterstone Conservation Area, and;
 - (b) whether the site is a suitable location for residential development having regard to local and national policy.

Reasons

Character and Appearance

3. The appeal site is a roughly rectangular plot of land, located to the west of The Old Vicarage, in the village of Bolsterstone. It forms part of the original grounds of this property, as a former paddock and orchard, and is bounded by traditional dry stone walling. Within the site are a great number of mature and semi-mature trees and hedgerows adjacent to the site boundaries. To the centre of the site is open grassland. An existing gated access leads into the site at its north-eastern corner.
 4. The site is located on a ridge which overlooks southwards down onto the Broomhead Reservoir, and towards the other side of the valley beyond. Other than its shared boundary with the side garden of The Old Vicarage, the appeal site is surrounded by open fields in agricultural use. The extensive tree coverage within the site is visible from Yewtrees Lane, which leads from Bolsterstone, down the hill towards the reservoir.
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5. The majority of Bolsterstone lies within the administrative area of Sheffield City Council, however the south-western edge of the village, including the appeal site lies within the Peak District National Park.
6. The appeal site is also within the Bolsterstone Conservation Area Extension – a heritage asset first designated in 1994 which adjoins the Bolsterstone Conservation Area, designated by Sheffield City Council in 1977.
7. The boundaries of the Conservation Area Extension were drawn to follow the boundary walls surrounding the grounds of The Old Vicarage, and it is noted that the adopted Bolsterstone Conservation Area Extension Appraisal (2009) highlights that the stone walls provide a physical and visual link between the built environment and its rural setting. This document also states that part of the special interest of the Conservation Area Extension lies in its landscape setting in a rural hilltop location and that it is also characterised by its extensive tree cover. The appeal site also lies within an area identified by the appraisal as having long ranging views out south across the Ewden Valley and the site itself is identified as an important area of open space.
8. Based upon the size of the plot, its verdant character and its distance from the Old Vicarage, I consider that the appeal site forms part of the transition from the domestic and suburban form of development within Bolsterstone, into the rural National Park landscape beyond. I therefore find that the appeal site makes a positive contribution to the rural character of the area and to the significance of the Conservation Area in terms of its landscape setting.
9. The proposed development is for a single storey subterranean dwelling which would be set into the sloping hillside, with a green roof forming a plateau. The development would be served by a resin bound gravel driveway and an outdoor seating terrace would be created. It is proposed to retain the trees and hedgerows and the dry stone walls surrounding the site.
10. The proposed dwelling has been designed in order to minimise its impact and I find that it would be less intrusive when compared to, for example, the erection of a more typically designed dwelling with solid walls and a pitched roof. However, the development would level out the site, creating a plateau under which there would be a large expanse of glazing. The grassed roof area would contain a number of lightwells, flues and would be partly cut-out in order to create a courtyard area within the property.
11. This, in combination with the external landscaping works which would include further remodelling of the ground in order to create a driveway leading into the site and terracing with ornamental planting, would give rise to a domestic and urbanising impact which would erode the rural character of the site. This would not, in my view, preserve the character of the Conservation Area. The use of traditional materials or the ecological credentials of the build design would not be sufficient to overcome that harm.
12. I note the findings of the Landscape and Visual Impact Assessment, and I acknowledge that the vegetation and topography restricts views into the site and as such views would be largely intermittent and glimpsed. I also note that new planting is also proposed in terms of reinforcing hedging.
13. In this context, the visual impact of the new house would therefore be relatively localised. Nevertheless, such impacts would still be appreciable from

vantage points both from within the settlement and in the countryside. Furthermore, even with additional planting, I am not persuaded that coverage would be so dense as to negate seasonal impacts. The submitted photographic comparison illustrates that clear views through the site are gauged in the winter months. As stated above, I disagree that the nature of the development would render it imperceptible and I consider that it would be likely that there would be much clearer views of the development when trees are not in leaf. To my mind, the large expanse of glazing and its reflective properties would be likely to draw attention to the site when looking north from Yewtrees Lane.

14. I note the concerns of the appellant in respect of the language used by consultees in respect of Conservation Area and landscape impacts of the scheme and the subsequent interpretation of this by the Council. However, in the determination of this appeal I am required by law to pay special attention to the desirability of preserving or enhancing character and appearance of the Conservation Area¹. Furthermore, there is a duty to have regard to the purpose of the National Park.² I have considered the appeal based on the evidence before me and I have found harm through the loss of this area of open space to built development.
15. I therefore conclude that the proposals would cause harm to the character and appearance of the Conservation Area. As such it conflicts with Policies GSP1, GSP3 and L3 of the Peak District National Park Core Strategy Development Plan Document, 2011, (CS) and saved Policies LC4 and LC5 of the Peak District National Park Local Plan, 2001, (LP) which all seek to secure the conservation and enhancement of the National Park and its cultural heritage. The proposals also fail to accord with the National Planning Policy Framework (the Framework) where the conservation of cultural heritage within National Parks is given great weight, recognising that heritage assets are an irreplaceable resource.

Location of Development

16. CS Policy DS1 sets out the development strategy for the National Park. The primary purpose of this strategy is to secure sustainable development and growth which supports the effective conservation and enhancement of the National Park as well as maintaining and improving the vitality of named settlements and their communities. Policy DC1 seeking to deliver development primarily towards Bakewell and named settlements.
17. CS Policy HC1 considers the circumstances in which new housing will be permitted whilst complying with National Park purposes. New housing solely to meet open market demand is not supported by this Policy, other than in specific exceptional circumstances which are set out. These relate to meeting local needs (criterion a), providing accommodation for key workers (criterion b) or is required to achieve the conservation or enhancement of valued local buildings, listed buildings (criterion c.i.) or the conservation and enhancement of settlements as listed by Policy HC1 (criterion c.ii).
18. It is acknowledged by the appellant that the proposal would not address eligible local need or provide housing for key workers in agricultural, forestry or

¹ Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990

² Section 11A(2) of the National Parks and Access to the Countryside Act 1949

other rural enterprise. The proposals for a new dwelling would not therefore accord with CS Policies DS1 and HC1.

19. However, it has been put to me that the site is not isolated, and that, if not for the location of the National Park boundaries, Bolsterstone would otherwise be a named settlement under Policy DS1. On this basis, the appellant contends that only limited weight should be given to this policy, and that, setting aside the listed settlements issue, the development would meet with CS Policy HC1.
20. I am sympathetic to frustration of the appellant in respect of the location of the boundary of the National Park, and the exclusion of Bolsterstone. I also acknowledge that adopted planning policies in other National Parks may take a different approach. However, the appeal site is within the Peak District National Park boundary, and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise³.
21. Furthermore, the Framework, as a material consideration, gives great weight to the protection of National Parks (paragraph 115) and, in respect of rural housing, paragraph 55 states that this should be located where it will enhance or maintain the vitality of rural communities. While the policies in the adopted CS pre-date the Framework, based on the above, I consider that the CS policies are constant with the Framework and as such I give them weight in my consideration of this appeal, in accordance with Framework paragraphs 211, 212 and 215.
22. In any case, even if the whole of the village of Bolsterstone was within the boundary of the National Park, and as such would be a named settlement under CS Policy DS1, I do not consider that the development would meet with this policy or Policy HC1. As I have identified, above, the site is significant as an area of open and undeveloped land which forms an important part of the rural landscape on the edge of the built up part of Bolsterstone. Rather than enhancing the site, I consider that the loss of this open area to development would cause harm and the valued characteristics of National Park, in addition to the harm I have identified to the Conservation Area, and would therefore not meet criterion c.ii of CS Policy HC1.
23. Overall, in light of the harm I have identified, I conclude that the development in this location would not deliver sustainable development in respect of the conservation and enhancement of the National Park. This would be in clear conflict with CS Policies DS1 and HC1 and LP Policies LH1 and LH2 which, in restricting open market development both within the open countryside and in named villages, seek to protect the purposes of the National Park. The proposals would also not accord with the Framework in respect of the conservation of landscape and scenic beauty in National Parks, to which I have attached great weight.

Other matters

24. Procedural concerns are raised by the appellant regarding the handling of the application by the Council and a lack of proactive engagement. However, this is a matter between parties and has no bearing on my assessment of the appeal based upon its planning merits.

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004.

25. Finally, the harm I have identified in respect of impacts upon the Conservation Area and National Park would not be outweighed by there being some local support for the proposed development.

Conclusion

26. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

C Searson
INSPECTOR