
Appeal Decision

Site visit made on 31 January 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/P1045/W/16/3161175

Buckholme Farm, Mayfield Road, Ashbourne, Derbyshire DE6 2BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Bubber against the decision of Derbyshire Dales District Council.
 - The application Ref 16/00097/FUL, dated 11 February 2016, was refused by notice dated 3 May 2016.
 - The development proposed is new residential dwelling on essentially the same footprint as the previous cottage on the site which collapsed following repair works in 2014.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr J Bubber against Derbyshire Dales District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:
 - whether, having regard to the location of the appeal site in relation to services and facilities and in conjunction with national planning policy, the proposed development would amount to a sustainable form of development;
 - The effect on the character and appearance of the area; and
 - Whether the proposal represents an acceptable form of development having regard to its flood zone location and the provisions of the National Planning Policy Framework (the Framework).

Reasons

Location and Sustainable Development

4. Although the site originally contained a building, I saw at my site visit that this was no longer in situ although a concrete foundation pad was in place. I note that the Council state that prior to its removal the building had a nil use. The appeal proposal therefore represents the development of a new dwelling. The Council also state that the site lies within the open countryside as defined in the Derbyshire Dales Local Plan 2005 (DDLPL). I also saw on my site visit
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that the proposal would be on a free-standing site within a rural landscape. It would be located remotely from the main farmstead of Buckholme Farm and the public highway of Mayfield Road, although it would be connected to both by an access track.

5. The Council state that the site is located 2km from Ashbourne Town Centre. However, I saw that there were shopping and other facilities in closer proximity on a retail park some distance to the east of the site as well as a convenience store associated with a petrol station to the south west. Both of these would be accessed via Mayfield Road which although it is well trafficked, is well-lit and has a dedicated footpath.
6. However, access between the site and Mayfield Road would be via an unmade and unlit track over a significant distance. There is also an unsurfaced public footpath leading across the fields adjacent to the appeal site. Due to the nature of these access routes from the appeal site and the distances involved, I consider that this would deter occupants of the appeal site from accessing facilities in the area by cycle or on foot. I note that there is a regular bus service on Mayfield Road which provides access to services in the surrounding area, but this would also be accessed via the unlit track and in any event I do not consider that this will provide a significant alternative to a reliance on the private car due to the relative convenience of these modes of transport.
7. On balance therefore, the proposed dwelling would not be located where future occupants would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car.
8. The Framework's approach to the promotion of sustainable development in rural areas, set out in paragraph 55, states that new isolated homes in the countryside should be avoided unless there are special circumstances, such as where the development would re-use redundant or disused buildings. For the above reasons, I consider that the proposal would result in an isolated home in the countryside due to its location and limited accessibility. It would not meet any of the special circumstances listed in Paragraph 55 of the Framework and I conclude that it would conflict with national planning policy in relation to the sustainable location of rural housing.

Character and Appearance

9. Based on the evidence provided to me, in particular the photographs included in the appellant's Design and Access Statement, the original building on the site was a modest structure with the character and appearance of a rural cottage.
10. In comparison to the original building, the proposed dwelling would be a substantial 3-bedroomed house with a uniform ridge line to the main roof. I note that the appellant states that the proposed dwelling is only marginally larger than the original cottage. However, based on the submitted plan, I consider the proposal would appear as a sizeable modern dwelling within the open countryside, the visual impact of which would not be overcome through the use of reclaimed materials from the original building.
11. Although a degree of screening would be provided by trees and hedgerows in the vicinity of the site, I saw that the dwelling would be visible in views from

the surrounding area and in particular from a public footpath to the west of the site. It would therefore appear as a free-standing dwelling separated from the main farmstead of Buckholme Farm and settlements in the area, and would have the character and appearance of sporadic development in the countryside. The design of the dwelling would exacerbate its prominence as the ground floor would be elevated to address flooding issues, which would in turn increase the height and bulk of the dwelling.

12. For the above reasons, I consider that the proposal would be detrimental to the character and appearance of the countryside, and would therefore be contrary to Policies SF5 and NBE8 of the DDLP which state that development should protect or enhance the character and appearance of its surroundings and the landscape. However, I note that the Council state that Policy NBE8 should only be afforded limited weight as it is at odds with the Framework's more balanced approach. Notwithstanding this, the proposal would also conflict with the objectives of the Framework in relation to requiring good design and recognising the intrinsic character of the countryside.

Flood Risk

13. The appellant has submitted a Flood Risk Assessment (FRA) which states that the site is within Flood Zone 2 which is defined in the Planning Practice Guidance 2014 (as amended) (PPG) as a medium flood risk area with an annual probability of river flooding between a 1 in 100 and 1 in 1,000.
14. Paragraph 100 of the Framework advises that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. Paragraph 101 goes on to advise that a sequential, risk-based approach must be taken that steers development towards areas of lower risk and that this should be applied in all areas known to be at risk from any form of flooding.
15. I have had regard to the FRA and note that the Figure 9 (i.e. Table 3 of the PPG¹) indicates that the proposed development is appropriate in Flood Zone 2. I also note that the Environment Agency have not objected to the proposal. However, the PPG states that Table 3 does not show the application of the Sequential Test which should be applied first to guide development to Flood Zone 1 then Flood Zone 2 etc.
16. The appellant has questioned why there is a need to investigate other development sites as the proposal is required to house his extended family, some of whom have health issues. However, no substantive evidence of these personal needs has been provided to me. Furthermore, apart from reference to the distance to housing sites designated in an emerging Local Plan, I have not been provided with substantive evidence demonstrating why the needs of the appellant's family cannot be met through the adaptation of Buckholme Farm or on sites elsewhere, particularly sites which are sequentially preferable in terms of flood risk.
17. The requirement for a Sequential Test is clearly set out within the Framework and the PPG. Given the above, I conclude that a robust Sequential Test has not been undertaken and that, due to the failure to apply this test, the proposal is contrary to paragraph 101 of the Framework.

¹ Table 3: Flood risk vulnerability and flood zone 'compatibility' - <https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-3-Flood-risk-vulnerability>

Other Matters

18. The appellant states that the occupation of the dwelling would be incidental to the main Buckholme Farm building. Whilst this may have been agreed in previous discussions between the appellant and the Council, there is no mechanism in place to ensure that this would be the case. The appellant has also referred to the potential preparation of an anti-severance agreement, however no such agreement has been put before me and I can therefore give this very little weight.
19. The appellant has also referred to previous discussions with the Council in relation to the conversion of the original building on the site to residential use. However, this related to the re-use of a redundant or disused building and would therefore have been assessed against different policy criteria, including the provisions of the Framework. The appellant has also referred to the development of Buckholme Farm which was considered to be acceptable, although I note that this related to a replacement dwelling which would be assessed against different policies, rather than the introduction of a new dwellinghouse.
20. My attention has also been drawn to decisions relating to other housing and traveller sites. However, I do not have full details of these schemes and so cannot be sure that the circumstances are the same. In any case I have considered the appeal proposal on its own merits.
21. I have had regard to the benefits arising from the proposal. Notwithstanding my comments on matters of flood risk, I am mindful of the personal circumstances raised by the appellant, particularly in relation to the care and accommodation needs of his family. I also note that the proposal would use reclaimed materials from the original cottage and would be constructed on a previously developed site. The construction of the development would also add to employment in the area, albeit to a small degree over a limited period of time. However, these matters do not outweigh the harm I have identified above.
22. I note that there is a disagreement between the parties as to whether the Council is able to demonstrate a 5 year supply of deliverable housing sites. However, even if I were to conclude there is a shortfall in 5 year supply as suggested by the appellant and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accord with the development plan or the Framework.

Conclusion

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR