
Appeal Decision

Site visit made on 10 July 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 28 July 2017

Appeal Ref: APP/H1033/W/17/3169543

Goslin Bar Farm, Macclesfield Old Road, Buxton SK17 6TT

- 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 John Howard on behalf of Brentoak Properties Ltd against the decision of High Peak Borough Council.
 - The application Ref HPK/2016/0597, dated 25 October 2016, was refused by notice dated 20 December 2016.
 - The development proposed is outline permission sought with all matters reserved for seven detached bungalow style chalet dwellings with garages and gardens.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all detailed matters reserved for future approval. I determine the appeal on that basis, treating the details within the site plan, indicative layout plan and sections plan as illustrative.
3. An EIA¹ screening matrix was issued by the Planning Inspectorate Environmental Services Team, which constitutes the formal screening direction on behalf of the Secretary of State. The EIA screening matrix is an assessment relative to the EIA Regulations² which found that an Environmental Statement is not required.

Main Issues

4. The main issues are:
 - The effect on the character and appearance of the area, and;
 - Whether the proposal is consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas.

Reasons

Character and appearance

5. The appeal site forms part of an agricultural field which slopes progressively upward in a south westerly direction where it adjoins Macclesfield Old Road and

¹ Environmental Impact Assessment

² The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)

also gently rises to the north and north-west from the highway frontage towards hillsides within the Peak District National Park landscape. It forms part of the Dark Peak landscape character area and is identified within the High Peak Landscape Character Supplementary Planning Document, March 2006, as within the 'Settled Valley Pastures' landscape character type, reflecting its appearance as part of a pastoral farming landscape at the settlement edge within a valley setting with some woodland, close to the 'Moorland Fringe'. The latter landscape character type consists of upland slopes and higher ridges to the north-west which includes the Goyt Valley SSSI³, Peak District Moors (South Pennine Moors Phase 1) SPA⁴ and the South Pennine Moors SAC⁵.

6. The open appeal site and its frontage of low walls, hedging and post and rail fencing represents a definite visual break from the existing pattern of linear development on the northern side of Macclesfield Old Road defined by terraced, detached and semi-detached properties of comparable scale, style and form and a transition of building heights following land levels. The site provides a resultant gap in built development, albeit narrow where it separates the existing buildings of Goslin Bar Farm. Although the field has no specific ecological, landscape or heritage designation beyond being part of the Peak District National Park, I consider it important to the setting of Buxton beyond the built up area as part of the wider area of countryside.
7. A mix of housing types and styles continues further to the south west on the opposite side of Macclesfield Old Road in an assorted arrangement of buildings with some following the alignment of Level Lane. However, that pattern of development, including a backdrop of other dwellings within the settlement and the presence of substantial landscaping along the frontage, differs from the open character of the site on the opposite side of the road. The site, therefore, marks the point where the character changes to open countryside beyond the settlement edge of the built up area.
8. The site layout is illustrative, but the size and shape of the site would allow a continuation of the linear form of development which exists on the northern side of Macclesfield Old Road. However, although adjoined by buildings associated with Goslin Bar Farm to the south west, the site is separated from the settlement by a public footpath and would consist of rural development that would not fall within the definition of limited infilling of a small gap as defined by Policy EQ3 of the High Peak Local Plan (LP), adopted April 2016.
9. Policy H1 of the LP, amongst other things, sets out the circumstances where consideration is given to approving housing development outside of built up area boundaries, taking into account other policies in the LP. The development would meet part of the first criterion of Policy H1 in so far as it would adjoin the built up area boundary and subject to the reserved matters, would be capable of being well related to the existing linear pattern of development to the east. However, it would not be consistent with surrounding land uses to the north and north-west which are primarily agricultural and open countryside. Such matters lead to the assessment of the second criterion of Policy H1 which requires that the development would not lead to a prominent intrusion into the countryside or have an adverse impact on its character.

³ Site of Special Scientific Interest

⁴ Special Protection Area

⁵ Special Area of Conservation

10. A Landscape and Visual Impact Assessment (LVIA) accompanied the application. The LVIA concludes that there would be no long term, significant landscape and visual effects on the key characteristics of the wider area and the Peak District National Park. The reasoning given is the site's character, small scale and containment together with local topography and positioning relative to the existing residential fabric. It assesses the effect of the proposed dwellings to be slight and moderate in very close relation, but insignificant to the wider landscape and visual amenities as a whole.
11. The LVIA is a material consideration which carries significant weight. However, the construction of dwellings would result in built development where there is presently none on a greenfield site. In doing so, the development would enclose the existing gap between the settlement boundary and the sporadic buildings of Goslin Bar Farm. The layout of dwellings form part of the reserved matters, together with scale and appearance (including materials) to be addressed at that stage. Nevertheless, the footprint, bulk, scale and massing of buildings, together with hardstanding and domestic paraphernalia, would inevitably change the character of the site. The resultant loss of views of open countryside to the north and north-west of Macclesfield Old Road and the change in character of the site beyond the existing settlement edge would be observed from both the road, which becomes a footpath up the hillside further to the south-west, and a public footpath along the eastern boundary of the site. The potential for boundary screening or landscaping to soften the appearance of the development would not mitigate the change from the open character of the site to a predominance of built form.
12. The impact on the countryside arising from the loss of the rural character of the site would be reduced from distant public vantage points to the south by visual containment and screening afforded by intervening built form and landscaping to the opposite side of Macclesfield Old Road. Open views of the site from the west and south-west would also be partially screened by the steep topography of hillsides and intervening landscaping and buildings. The development would also be viewed against the backdrop of existing housing within the settlement from public vantage points at distance from the north and north-west. Consequently, the effect of the development would be localised to views along Macclesfield Old Road and from the public footpath along the eastern boundary when looking in northward and westward directions.
13. The number of passing vehicles travelling along Macclesfield Old Road is limited as it is no longer a vehicular through-route after Goslin Bar Farm. Nevertheless, the users of the pedestrian footpaths into the open countryside are sensitive receptors to change. The development, both during the construction phase and once built, would create a prominent intrusion into the open countryside from those perspectives. The resultant effect would be a harmful sense of enclosure of built form on the northern side of Macclesfield Old Road beyond the existing settlement edge. Despite the potential for gaps between properties and comparatively low ridge heights of dwellings, the development would also obscure some existing views of upland slopes and higher ridges to the north and north-west due to increases in land levels along Manchester Old Road and the undulating topography of the site.
14. Having regard to all of the above, the development of the site would result in a detrimental visual impact upon the countryside which although localised would be a prominent intrusion with a significant adverse impact on its character.

Consequently, the proposal would be an unacceptable development in the countryside given the harm identified and would not, therefore, comprise one of the types of development that Policy H1 of the LP permits. It would also have a harmful effect upon local distinctiveness and sense of place which would be contrary to Policies EQ3 and EQ6. I also find conflict with Policies S1 and S2 which when taken together seek that account be taken of the distinct Peak District character, landscape, townscape, roles and setting of different areas and settlements in the High Peak, including maintaining or enhancing the distinctive character and appearance of market towns and villages.

15. My attention has been drawn to the conclusions of the EIA screening matrix. However, the EIA screening matrix and any conclusions thereto relating to the relevant Regulations do not pre-determine the assessment of the proposal relative to the policies of the development plan. Consequently, the conclusions of the EIA screening matrix do not override the harm that I have identified.
16. I conclude that the development would have a harmful effect upon the character and appearance of the area. The proposal conflicts with Policies S1, S2, H1, EQ3 and EQ6 of the LP in that respect. The policies are consistent with the core planning principle of the Framework which seeks recognition of the intrinsic character and beauty of the countryside.

Location and supply of housing in rural areas

17. Policy S1 of the LP sets out the sustainable development principles which, amongst other things, include meeting most development needs within or adjacent to existing communities and making effective use of land (including re-use of brownfield land). In addition, it requires a mix of types and tenures of quality homes to meet the needs and aspirations of existing and future residents in sustainable locations. Policy S1 also indicates that new development should be located in line with the settlement hierarchy in Policy S2.
18. Policy S2 of the LP sets out a settlement hierarchy with development intended to be directed towards the most sustainable locations. Buxton is defined as a 'market town', which are the main focus for housing. Strategic housing development over the plan period 2011-2031 is set out in Policy S3 of the LP which requires provision to be made for at least 7,000 dwellings at an overall average annual development rate of 350 dwellings. It indicates in Table 3 that the Buxton sub-area has a target requirement of between 1,136-1,526 dwellings on new sites during that period. Table 4 indicates that the requirements in the Buxton sub-area are primarily to be met by large sites allocated in Policy H2 of the LP, which does not include the appeal site, or alternatively small sites which accord with Policy H1.
19. The appeal site lies adjacent to, but outside of the settlement boundary of Buxton. The development would, therefore, be within the open countryside, but not isolated, and falls within the category of 'other rural areas' in Policy S2 of the LP. In those areas, Policy S2 states that development will be strictly limited to that which has an essential need to be located in the countryside or comprises affordable housing in accordance with Policies EQ3 and H5.
20. The proposal for primarily market housing does not meet the criteria of rural exception sites in Policy H5 and would not meet the criteria for rural development set out in Policy EQ3, unless it otherwise accords with Policy H1.

When assessing the previous main issue, I found conflict with Policy H1 in terms of the proposal's impact on the character of the countryside, so the circumstances whereby that policy would give flexibility to development outside of settlement boundaries are not met by the proposal. It, therefore, follows that there would also be conflict with Policies S3 and EQ3, which require compliance with Policy H1, and conflict with the strict limitations within Policy S2 that allows flexibility only in terms of Policies EQ3 and H5. As a result there would also be conflict with Policy S1, which requires compliance with the settlement hierarchy in Policy S2.

21. The above policies in the LP are consistent with the Framework which seeks to significantly boost the supply of housing⁶. In doing so, the Council's strategy in the LP also seeks to meet the objectives of national policy in terms of protection of the countryside. However, the Framework makes clear that relevant policies for the supply of housing should not be considered up-to-date if local planning authorities cannot demonstrate a five-year supply of deliverable housing sites⁷.
22. The LP was adopted with a five-year housing land supply and the Council has provided an updated position demonstrating a 6.39 year housing land supply taking account of the conclusions of an Inspector following a recent Public Inquiry relating to a site in Tunstead Milton⁸. There is no substantiated evidence before me that circumstances have significantly changed since that appeal decision or which would lead me to a different view to the Inspector's findings. I, therefore, must conclude that, based on the evidence available to me, the Council can demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 49 of the Framework and the related criteria in paragraph 14 applicable when a development plan is absent, silent or out of date, are not engaged.
23. Turning to the proposed mix of housing and the related requirements of Policies S1 and H3 of the LP, the development would consist of up to 7 dwellings with the application form indicating each would comprise of 4/4+ bedrooms. Such a mix of housing would not meet the proportional needs for property and bedroom sizes at a District level in High Peak based on evidence from the Council's Strategic Housing Market Assessment. However, Policy H3 requires that account be taken of the characteristics of existing housing stock in the surrounding locality. No substantiated evidence is before me in that respect. Nevertheless, based on my observations, 4/4+ bedroom dwellings would complement the housing mix in the locality that appears to have a predominance of smaller semi-detached and terraced properties.
24. In reaching the above view, I have taken into account that the location of the site at the edge of the settlement is a constraint that the appellant has attempted to address through transition to a lower density of development than would ordinarily be expected in the built up area. Furthermore, the appellant has indicated an intention to provide housing in the form of bungalows that would be suitable for older people and people with physical mobility disabilities, for which there is a need. Such matters could be appropriately addressed through the submission of reserved matters.

⁶ Paragraph 47

⁷ Paragraph 49

⁸ APP/H1033/W/16/3147726 - 12 April 2017

25. Policy H3 of the LP, together with Policy H4, also seeks that requirements for affordable housing are met. The appellant has indicated that affordable housing would be provided on-site via a single dwelling or via an off-site contribution. However, the uncertainty of the approach would necessitate a planning obligation to secure the affordable housing. The scale of development would not constitute exceptional circumstances as indicated necessary by Planning Practice Guidance (PPG)⁹ to require a planning obligation by a negatively worded condition. Consequently, as no provision for affordable housing would be secured as part of the outline application, the proposal would conflict with Policies H3 and H4 of the LP in that regard.
26. Notwithstanding the above, following an order of the Court of Appeal dated 13 May 2016, legal effect has been given to the policy set out in the Written Ministerial Statement (WMS) of 28 November 2014, which carries very considerable weight in seeking to reduce disproportionate burdens arising from developer contributions. In that context, the PPG¹⁰ sets out specific circumstances where affordable housing and tariff style contributions should not be sought for small scale development and self-build development. The circumstances include, amongst other things, development of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). That definition would include the development. The Council has referred to evidence which supported the LP approach. However, in the absence of specific and up to date evidence in terms of the extent to which High Peak is reliant upon small sites to contribute to the delivery of affordable housing and meet its needs, the specific conflict relating to Policies H3 and H4 of the LP is outweighed by the WMS and the PPG.
27. I conclude that the development would not be consistent with the objectives of local and national planning policies relating to the location and supply of housing in rural areas. The proposal would, therefore, conflict with Policies S1, S2, S3, H1 and EQ3 of the LP and the Framework in that respect.
28. Conflict with Policies H3 and H4 of the LP are not overriding factors in the above conclusion given the guidance in PPG and the very considerable weight given to the national policy in the WMS. The absence of harm relating to the proposed mix of housing is a neutral factor.

Other Matters

29. The appeal site is outside of the settlement boundary of Buxton, but it is a short walking distance from existing local services and facilities accessible via a pedestrian footway with street lighting along Macclesfield Old Road. There is no substantiated evidence that the proposal would place undue pressure on local infrastructure. Consequently, the development would deliver social and economic benefits in a relatively accessible location by providing up to 7 homes with Council tax and New Homes Bonus revenue, together with an increase in labour supply and associated support for local services and facilities. In addition, there would also be short term local economic benefits arising from construction activity required to deliver the development.
30. Development of the site would be capable of achieving adequate separation to neighbouring properties to preserve the living conditions of occupiers in terms

⁹ Use of planning conditions, Paragraph: 010 Reference ID: 21a-010-20140306 Revision date: 06 03 2014

¹⁰ Planning Obligations, Paragraph: 031 Reference ID: 23b-031-20161116

of outlook and privacy. Those matters could be appropriately addressed via the reserved matters relating to layout, scale, appearance and landscaping.

31. Based on the evidence before me, together with observations during my site visit, a safe means of access for the dwellings onto Macclesfield Old Road would be feasible as part of a reserved matters submission and there is no evidence to suggest that the proposal would have a detrimental impact on highway capacity, traffic congestion or pedestrian safety.
32. The development would not have an adverse effect upon ecology and biodiversity, including within the Goyt Valley SSSI, Peak District Moors (South Pennine Moors Phase 1) SPA and the South Pennine Moors SAC, subject to conditions to prevent any impact on protected species if the appeal were allowed. There would also be no adverse impact in terms of flood risk, drainage, ground contamination and soil, subject to related conditions.
33. The site has potential sensitivity given it is close to previous archaeological finds. A detailed archaeological assessment and investigation of the site has not been submitted. However, should the appeal be allowed, the matter could be addressed by a pre-commencement condition to secure agreed construction methods and a specification for archaeological investigation, mitigation and recording to be undertaken during the development.
34. The appellant has expressed concern in terms of the Council's approach when considering proposals for the development of the site. However, such matters are not an influential factor upon the determination of this appeal which is necessarily determined based upon its own merits.

Planning Balance

35. The proposal would conflict with the approach to the location and supply of housing in rural areas with harm to the character and appearance of the area in terms of Policies S1, S2, S3, H1, H3, H4, EQ3 and EQ6 of the LP and would not, therefore, accord with the development plan. In such circumstances, planning law and the Framework indicate that planning permission should not be granted unless material considerations indicate otherwise.
36. The Framework makes it clear that the policies that it sets out, taken as a whole, constitute what sustainable development means in practice for the planning system. Paragraph 7 of the Framework sets out three dimensions of sustainable development, namely the economic, social and environmental roles. Those dimensions are mutually dependent and should be jointly sought. The proposal would positively contribute to the provision of up to 7 new homes to which I attach significant weight. However, it would cause harm to the character and appearance of the countryside at the edge of the settlement of Buxton. Such harm is contrary to a core principle of the Framework that planning should take account of the character of different areas and recognise the intrinsic character and beauty of the countryside. Although the specific conflict with Policies H3 and H4 of the LP is outweighed by the guidance in the PPG and the related national policy in the WMS, the lack of secured provision for affordable housing in that respect, together with the absence of harm relating to other matters as previously set out are neutral factors that do not weigh in favour of the development.

37. The Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the appeal proposal would be contrary to the development plan as a whole, given the conflict with policies I have referred to which are not out of date. On a simple balancing exercise, the adverse impact of the development in terms of the conflict with the development plan relating to protection of the countryside and its character would not be outweighed by the other material considerations. In that respect, the presence of less harmful alternatives for the location and supply of housing to meet the requirements of the LP in Buxton and High Peak, as demonstrated by a five-year supply of deliverable housing sites, is an influential factor. The proposal, therefore, is not sustainable development when considered relative to the Framework as a whole.

Conclusion

38. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR