The Planning Inspectorate

Appeal Decision

Site visit made on 2 June 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/M9496/W/20/3244434
Hurst Waterworks, Derbyshire Level, Glossop SK13 7PU

- 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 Paul Milner against the decision of Peak District National Park Authority.
- The application Ref NP/HPK/0719/0732, dated 6 July 2019, was refused by notice dated 13 September 2019.
- The development proposed is a proposed new dwelling on brownfield land at the west Hurst Waterworks.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 10 June 2020**.**

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the suitability of the location for market housing and the effect of the development on:

   - the character and appearance of the locality;
   - biodiversity interests on the site; and,
   - the living conditions of prospective nearby residents.

Reasons

Locations for housing

3. Policy HC1 of Peak District National Park Local Development Framework Core Strategy Development Plan Document (2011) (CS) restricts open market housing in the National Park unless falling within specified exemptions including local housing need and that for key rural workers. Policy DS1 of the CS directs development to existing settlements unless a specified exemption. Policy DMC4 of the Peak District National Park Development Management Policies (2019) (DMP) states that development that is separated from the existing settlement to such a degree that it no longer forms part of the whole will not be permitted.

4. Based on the evidence before me, the proposal does not fall within the scope of any of the stated exceptions in the above policies. Although the appellant refers to housing need in the locality there is little evidence to substantiate the scale or nature of that need.

5. Furthermore, the site lies beyond the eastern extent of the built-up area of Glossop. It is detached from the main settlement area by open land used in conjunction with Glossop and District Golf Club and agricultural fields. Here, the locality has a manifestly more rural character than the structured layout of the settlement area. The site lies some distance from the main areas of built development and is linked only by a substantially unlit rural road bordered by drystone walls and a private track well beyond the limit of roadside pedestrian footways. The low density of development and predominantly open verdant character define it as distinct and detached from the main settlement area.

6. In support of the location for development, the appellant directs me to the previous use of the site and remains of a holding tank which has been infilled. Policy DMH6 states that re-development of previously developed land for housing will be permitted provided that the development conserves and enhances the valued character of the built environment or landscape on, around or adjacent to the site.

7. The National Planning Policy Framework (the Framework) provides a definition of previously developed land and this excludes land where the remains of a permanent structure or fixed surface infrastructure have blended into the landscape. At the time of my site inspection the land was substantially devoid of built development above ground level and the majority of it appears to have re-vegetated from the time of its former waterworks use. According to the appellant, one of the structures has previously been removed and a remaining settlement tank and holding chamber have been infilled. Save for a recently constructed turning area adjacent to the roadway, the land appears substantially free from built development and appears as rough vegetation providing a verdant open character fitting with the rural location of the site. Hence the land is excluded from the Framework's definition of previously developed (or brownfield) land.

8. The appellant has also drawn my attention to a recent decision granting planning permission[1] for the change of use of an adjacent building into three residential properties. As a re-use of an existing structure, this is a distinct form of development to that before me which would introduce new built form on to land appearing to be substantially devoid of it. The introduction of built development would result in a significant and adverse change to both the character of built development in the locality and the existing landscape on and about the site. Although that permission overlaps with the appeal site, neither the status of that limited part of the site or the redevelopment of the adjacent building provide justification for overcoming the policy restriction to new market housing in rural locations.

9. For the above reasons, I conclude that the proposed location of development would lie outside a designated settlement area and in a locality where market housing is restricted, it would therefore fail to comply with Policies HC1 and DS1 of the CS, and Policies DMP1 and DMC4 of the DMP as they relate to locations for new market housing.

Character and appearance

10. The appeal site lies within the Peak District National Park. The statutory purpose of a National Park is to conserve and enhance their natural beauty,

[1] NP/HPK/0217/0140

wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public. The Framework places great weight to conserving landscape and scenic beauty in National Parks.

11. The site is located in a loose cluster of mixed development. To the west is a modern golf club house, utilitarian maintenance building and associated practice grounds alongside open grassland. The golf course lies to the north, on the opposite side of a single-track access road. To the east is a former filter house building undergoing conversion to residential use. Scrub land to the south rises steeply to an area of woodland.

12. The local rural vernacular is simple stone-built houses and agricultural buildings with stone or slate roofs. Later additions in the landscape include modern functional agricultural sheds and utilitarian buildings which sit comfortably in their rural context.

13. Whilst the architectural style of the building would deliver a high standard of accommodation and introduce a cohesive and modern appearance, the extensive footprint and degree of site coverage combined with the contrasting form and external finishes would cause the building to be conspicuous in its setting. Although the site forms part of a small enclave which benefits from a high degree of tree screening on all sides this is, to a large degree, seasonal. Consequently, the scale and contrary form and finishes of the building would be exposed in views from parts of Derbyshire Level, Snake Pass (A57) and the higher land to the north during parts of the year.

14. While the overall height of the building would be modest, the expansive and multiple tiered areas of flat roof would contrast sharply with the vernacular form and appear incongruous within the landscape. Furthermore, the main part of the dwelling would sit within the more exposed southern part of the site to reduce the open character of the land behind development fronting the roadway.

15. Those combined effects of the development would be increased in the event that parts of the existing tree screen along the boundary adjacent to the golf practice ground and golf club maintenance facilities were removed. I observed that the majority of the trees on the north-western boundary appear self-seeded and of young to medium maturity. Although the appellant's submissions state that all trees will be retained, the forward part of the building would converge with the boundary towards the site frontage where a number of larger trees would lie adjacent to the proposed position of the garage. Due to their size and proximity, the canopies and root protection areas of these trees would likely conflict with the overhanging roof and garage foundations. The footprint of the building would also conflict with a young oak set in from the boundary.

16. Within the landscape context, the cutting back or removal of the trees would not cause significant harm to the extent of tree cover in the locality and could be mitigated by compensatory planting elsewhere on the site. However, the weakening of the boundary screen would facilitate combined views of the existing and proposed buildings on the former waterworks site alongside those serving the golf club. This extension of the visible line of built development alongside the domestication of the land surrounding the dwelling would give

rise to a significant urbanising effect within the landscape that would contrast with the small clusters of rural development typical of the surrounding area.

17. Together, the scale and design of the building, the substantial loss of open ground and formation of a ribbon of development on this part of the road would not be sympathetic to the local character of development and fail to conserve the valued landscape character.

18. For the above reasons, I conclude that the development would fail to preserve the character and appearance of the locality or be consistent with the principles of conserving the natural beauty of the area. It would therefore fail to comply with Policies GSP1, GSP3 and L1of the CS, Policies DME1, DMC3 and DMC13 of the DMP and the Framework as they seek to protect the character and appearance of locations of new development and conserve and enhance the visual quality and natural beauty of the landscape in which they are set.

Biodiversity

19. Policy DMC1 of the DMP requires assessment of the effect of the proposed development in respect of a number of countryside matters including biodiversity. Regulation 9 of the Conservation of Habitats and Species Regulations 2017 imposes a duty on me to have regard to the likelihood of European Protected Species being present and affected by the proposed development.

20. There is little evidence before me to demonstrate the ecological and biodiversity values of the site or how biodiversity will be protected or enhanced through its development. At the time of my site inspection, the site accommodated low level scrub including a mixture of grasses, field herbs, brambles, ferns and nettles. These generally appear as pioneer species that have established amongst the remnants of hard surfacing, old ground infrastructure and various periods of hardcore fill. Such sites offer opportunities for breeding bird, reptiles, invertebrate and protected plants. Additionally, the tree belt to the north-western boundary provides additional opportunities for wildlife.

21. The National Park Authority (NPA) has expressed concerns in relation to the level of survey effort to identify ecological interests on the site, particularly in relation to any requirement to remove trees with potential to accommodate protected species (bats). In the absence of a site assessment the long-term health and retention of the trees is inconclusive. Furthermore, it has not been demonstrated that the development would maintain the conservation status of the local population of any protected species on the site, or, that the biodiversity value of the site would be preserved or enhanced.

22. The level of information available is inconclusive for the purposes of assessment under Regulation 9 and it is not possible to establish whether the proposed development would preserve or enhance biodiversity or ecologically significant species.

23. For the above reasons, I conclude that the development would conflict with Policy L2 of the CS, Policies DMC1 and DCM3 of the DMP and the Framework as they seek to protect and enhance biodiversity.

Living conditions

24. The majority of proposed windows facing towards the residential properties within the converted former filter house are high level windows such that no direct overlooking into the neighbouring properties would result during normal use. The remaining windows facing the common boundary with those residential units serve non-habitable elements of the accommodation including a bathroom and walk-in wardrobe. These rooms could achieve natural daylight using fixed obscure glazing without a significant adverse effect on living conditions of occupiers of the proposed or neighbouring dwellings. This is a matter which could be addressed through suitable planning condition.

25. Some sideways glimpses from first floor bedroom 2 and the stairwell of the proposed dwelling could be achieved over parts of the neighbouring properties on account of their position and height, however, these would be at a distance such that any effect on privacy would be comparable to that arising from the existing arrangement of residential development at the former filter house. The effect on neighbouring living conditions in this respect would therefore be negligible.

26. According to the submitted plans, the proposed building would lie to the west of the former filter house. The closest elements of the building to the common boundary with the nearest residential unit would be single storey and set off the boundary behind a hedge which has recently been planted along the common boundary. The proposed first floor elements would be set further into the site. Consequently, any overshadowing would be limited to late evening hours in a limited part of the calendar so as to have a limited effect on living conditions of neighbouring occupiers.

27. The building would be visible in the rearward outlook from the neighbouring dwelling; however, the offset position, intervening distance and modest height would ensure that the building would not dominate the outlook from the neighbouring dwelling. Additionally, a further parallel hedge line is shown for planting on the appeal site. The effect would be to provide screening of the lower parts of the building and soften views of the proposal from the rear windows of the former filter house. Whilst the hedge may take time to establish, it would ultimately provide suitable mitigation in this regard.

28. For the above reasons I conclude that the development would retain a suitable standard of living conditions for future nearby residents and would comply with Policy GSP3 of the CS and the Framework as they seek to protect the living conditions of communities.

Conclusion

29. Whilst I have found in favour of the appellant with regard to the effect of the development on the living conditions of neighbouring occupiers, I do not consider this matter outweighs the identified harm in relation to the NPA's policies for rural housing constraint, the effects on the character and appearance of the locality and potential for adverse impacts on biodiversity. I therefore conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR