



Appeal Decision

Site visit made on 26 May 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2020

Appeal Ref: APP/H1033/W/19/3229290

Thorncroft, Lower Hague, New Mills SK22 3AP

- 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 & Mrs Keith Povah against the decision of High Peak Borough Council.
 - The application Ref HPK/2017/0219, dated 25 April 2017, was refused by notice dated 10 December 2018.
 - The development proposed is demolition of existing outbuilding and erection of a single dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - (ii) The effect on the openness of the Green Belt.
 - (iii) The effect of the proposal on the character and appearance of the area
 - (iv) If the proposal would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not inappropriate in the Green Belt and the effect on openness

3. Policy EQ 4 (Green Belt Development) of the High Peak Local Plan (2016) (LP) states amongst other things that the Council will seek to protect the Green Belt and maintain its openness and permanence and that within the Green Belt, planning permission will not be granted for development unless it is in accordance with national policy.
4. Policy EQ 3 (Rural Development) of the LP states amongst other things that outside the settlement boundaries, including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness. It allows for limited infilling of a small gap capable of accommodating no more than 2 dwellings of a

similar size and scale to the surrounding dwellings in an otherwise continuously built frontage.

5. The evidence before me confirms that the site is located at Hague Bar, a hamlet washed over by Green Belt with no settlement boundary. The existing dwelling at Thorncroft is the end dwelling on this side of Lower Hague, after which there is a substantial gap with no further residential development between Thorncroft and the junction with Waterside Road. The appeal site is set back from the street frontage and there is intervening vegetation and land including a railway cutting. The site is positioned next to a field which in itself creates a gap between the boundary of the appeal site and the boundary of the neighbouring dwelling at Woodlands. For these reasons, the appeal site does not have the characteristics of an infill site under the terms of Policy EQ 3.
6. The construction of new buildings within the Green Belt should be regarded as inappropriate development other than where it falls under any of the exceptions set out at paragraphs 145 and 146 of the Framework. Exception (e) under this paragraph allows for limited infilling in villages. Exception (g) allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
7. The Framework does not define what is meant by limited infilling. Even so, the site-specific factors described above also persuade me in this particular instance that the site does not logically read as limited infilling whether I consider it under exceptions (e) or (g) of Paragraph 145 of the Framework.
8. The appeal site includes land occupied by an existing building and area of hardstanding. On this basis the appellant contends that the proposal would constitute redevelopment of previously developed land under exception (g). Even if I were to agree, given the proposal would not be for affordable housing, in accordance with the Framework, an assessment as to whether or not the development would have a greater impact on the openness of the Green Belt than the existing development must be made.
9. Paragraph 133 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. It has been held in the Courts that openness is epitomised by the lack of buildings or development and thus both the spatial and visual implications of developments are relevant to a consideration of their openness effects. Openness is a separate issue from the effect of a development on the character and appearance of an area.
10. The height and position of the dwelling, with intervening landscape features and vegetation, would reduce the visual impact of the dwelling on openness when viewed from Lower Hague. Within the wider landscape, the proposal to reduce ground levels where the building would be erected would also assist in

reducing the perception of any increased height relative to the building that it would replace.

11. However, the dwelling would have a more elongated appearance than the existing building. It would extend past the existing developed area onto grassed land which currently forms part of a field. The dwelling would also extend over the position of the existing hard-surfaced forecourt with its principal elevation sitting closer to the field than the existing building. The greater size of the dwelling relative to the existing building would be particularly evident from the road and public footpath on Waterside Road where gaps in field boundary vegetation provide views towards the site.
12. The Council's calculations indicate that the dwelling would have a substantially larger footprint (124% increase) and volume (187% increase) than the building it would replace. I have no alternative figures before me to dispute this. There is also the potential that a hard-surfaced driveway would be provided to the currently grassed approach which would add to the quantum of development. Taken together, these aspects of the development would result in a permanent and substantial depletion of the openness of the Green Belt when compared with the existing development.
13. As none of the Framework exceptions are met, these considerations lead me to the conclusion that the appeal scheme would be inappropriate development and, by definition, would be harmful to the Green Belt. Furthermore, the development would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it. The development would therefore conflict with Policies S 1 (Sustainable Development Principles), S 1a (Presumption in Favour of Sustainable Development), S 2 (Settlement Hierarchy), S 6 (Central Sub-area Strategy), EQ 3 (Rural Development) and EQ 4 (Green Belt Development) of the LP and The Framework. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances.

The effect of the proposal on the character and appearance of the area

14. I noted on site the degree of spacing between the dwellings at Thorncroft and Woodlands, the mature planted backdrop between the site and the railway cutting, and the foreground of the field. These site-specific factors mean that the dwelling would sit within a part of the landscape which is rural in character and appearance. The existing building on the site is of a relatively modest scale and retains the appearance of a stable block, synonymous with a rural setting.
15. The dwelling would incorporate rooflights and would have large window openings to the elevation facing the field. It is possible that internal lighting would be visible through the glazed areas during hours of darkness. There would also be the potential for residential activity associated with the dwelling to be evident to external areas including vehicles and domestic paraphernalia. As a result of these elements the development would be distinctly domestic and at odds with the prevailing rural characteristics of the site's position within the landscape. The residential nature of the development would be perceptible from the receptor points identified in the appellant's 'Outline Landscape and Visual Impact Assessment' (July 2019) at the entrance to Thorncroft on Lower Hague and from the highway and footpath on Waterside Road.

16. Given the specific context of the site, I accept a replication of building forms and detailing seen on other residential development in the locality would be unlikely to reflect the site's position in the landscape. The low-rise design of the building and composition of materials including timber and dark steel cladding would assist in reducing the prominence of the building in the landscape. I also acknowledge that additional planting could take place to the field boundary with Waterside Road, although any planting would take time to establish and may not form a screen at all times of the year. Even accounting for these factors, I am not persuaded that the incongruous residential nature of the proposal would not be perceptible.
17. Overall, I find the development would not protect or enhance the prevailing rural character and appearance of the area. Consequently, in that particular regard, the development would conflict with Policies S 1 (Sustainable Development Principles), S 6 (Central Sub-area Strategy) EQ 2 (Landscape Character), EQ 3 (Rural Development) and EQ 6 (Design and Place Making) of the LP.

Other considerations

18. The appellant contends that the development site is located within the curtilage of Thorncroft and a fallback position exists to erect outbuildings of a similar if not greater scale under permitted development rights. Land ownership and what constitutes the residential curtilage of a dwelling are distinctly different matters. The lawful use of the appeal site is not a matter for me to determine in an appeal made under S78 of the Act and there is no compelling evidence before me that permitted development rights exist for domestic buildings on the appeal site. I can therefore only attach limited weight to this being a possibility.
19. From the evidence before me and what I saw on site, there would be no material harm to existing neighbouring living conditions and the proposal would create a suitable living environment for its occupants. The Council has raised no flood risk, contamination, highway safety, arboricultural or ecology concerns and from what I have seen, I find no reason to conclude differently. However, these are usual expected requirements of a development proposal rather than being specific benefits that add additional weight in favour of the proposal.
20. The design of the proposal aims to reduce energy use when compared with a typical new-build dwelling by around 70%. The dwelling would make a small contribution towards the Council's housing supply in a relatively sustainable location given the close proximity of the site to New Mills and the range of services and facilities it has to offer. There would be social and economic benefits associated with the development of the site and its subsequent occupation. Overall, given the proposal is for a single dwelling, I attach some modest weight to these potential benefits.

Green Belt Balance and Conclusion

21. The development constitutes inappropriate development in the Green Belt. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Moreover, I have found that the proposal would be harmful to the openness of the Green Belt. This Green Belt harm is a matter to which I accord substantial weight in decision making terms in line with Paragraph 143 of the Framework. I

have also identified harm to the character and appearance of the area. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome.

22. For the reasons set out above, I have found that other considerations advanced in favour of the proposal would carry limited and modest weight in its favour. In conclusion and on balance, the substantial weight to be given to Green Belt harm is not clearly outweighed by these other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
23. For the reasons given, the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR