
Appeal Decision

Site visit made on 4 August 2020

by R Cooper BSc (Hons) MCD MRTPI

An Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/H1033/W/20/3249720

The Bungalow, Ollersett Lane, New Mills SK22 4JE

- 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 Mrs J Hughes against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0492, dated 3 November 2019, was refused by notice dated 25 February 2020.
 - The development proposed is a new single storey bungalow and garage/workshop.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address of the appeal site in the banner heading above is taken from the application form. However, based on the submitted plans the location of the appeal site is more accurately described as land adjacent to The Bungalow, Ollersett Lane, New Mills SK22 4JE. I have proceeded on this basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area; and highway safety.

Reasons

Policy Context

4. Policy S1 of the High Peak Local Plan 2016 (the Local Plan) sets out the sustainable development principles in respect of all new development, and states that this will be achieved by, amongst other things, taking account of the distinct character, landscape, townscape, roles and setting of different areas and settlements in the High Peak. Whilst Policy S1a establishes a presumption in favour of sustainable development.
5. The appeal site falls outside of the built up area boundary and is within an Area of Countryside, as identified in the Proposals Map that accompanies the Local Plan. Policy H1 is therefore relevant to the proposal. The second part of Policy H1 states that the Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking into account other policies in the Local Plan, provided that they meet certain criteria.
6. Of this criteria, the main parties agree that the site would have reasonable access by foot, cycle or public transport to schools, medical services, shops and

other community facilities, and that the local and strategic infrastructure would be able to meet the additional requirements arising from the development.

7. However, the Council consider that the proposal would conflict with the first and second criterion, which support development that would adjoin the built up area boundary and be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside. The other relevant policies in this regard are therefore EQ3 and EQ6 which deal with rural development, design and place making matters.

Character and Appearance

8. The appeal site is located adjacent to a property known as The Bungalow, which is the last building in a row of residential properties that extend along Ollersett Lane, away from the built up part of the settlement of New Mills, and into the surrounding countryside. The front and rear of the properties along the lane look out towards open fields that contribute to the prevailing rural character and appearance of the area.
9. The appeal site comprises of an undeveloped parcel of land, which opens out onto the track to the front, and field to the side, as such, it appears to form part of the countryside. To the rear of the site the boundary is delineated by a mature hedgerow, and the site is surrounded on three sides by extensive open farmland. The open nature, and boundary hedgerows make a significant contribution to the local landscape and the prevailing rural character and appearance of the area.
10. The proposed residential development would appear as an extension of Ollersett Lane which would encroach into the open countryside, and have an urbanising effect, visually out of kilter with the distinctive open rural character of the site. This prominent intrusion into the countryside would relate poorly to the existing pattern of development and surrounding land uses.
11. I understand that the appellant revised the initial plans to reduce the size of the garage and has designed the layout of the dwelling to take into account windows on the side of the adjacent dwelling. I also note that the proposed buildings would be single storey, and the dwelling would broadly follow the line of housing along Ollersett Lane. However, in my view this would not prevent the overall encroachment into the countryside or mitigate the harm identified above.
12. I have taken into account the Local Plan housing allocation to the south of Ollersett Lane. I acknowledge that it is substantially greater in area than the appeal site, and that it extends further east. However, there are no detailed plans in the evidence before me, therefore I cannot know how the site would be laid out or what scale or form the buildings may take. Consequently, I cannot be certain that the allocation would be developed in such a manner that would lessen the impact of the appeal proposal.
13. The appellant has proposed to provide new planting around the perimeter of the development, to mitigate the visual impact. However, no detailed proposals have been provided, and based on the evidence before me this is unlikely to mitigate the loss of open countryside. Furthermore, the likely benefits to

tackling climate change and ecological enhancement would be limited given the scale of the development site.

14. Consequently, I conclude that the proposed development would harm the character and appearance of the area. It would not accord with Policies H1, EQ3 and EQ6 of the Local Plan, and paragraphs 127 and 170 of The Framework insofar as it would not relate well to the existing pattern of development and would lead to a prominent intrusion into the countryside. This would also have an adverse effect on the environmental dimension of sustainability and would therefore be inconsistent with Policies S1 and S1a of the Local Plan.

Highway Safety

15. The proposed development would be accessed from a farm track via Ollersett Lane, which is narrow and forms part of a Public Right of Way (PRoW). It has grass verges either side, no footways or street lighting. The carriageway is poorly maintained, and its surface comprises of various materials including tarmac and crushed aggregate in parts. This provides for an uneven surface, with various potholes and undulations to traverse along its substantial length.
16. The width of the carriageway and lack of turning facilities means that for much of its length vehicles are unable to pass each other, or turn around, unless they utilise private driveways. This is likely to particularly impede access for larger vehicles. The Council and the Highway Authority are concerned that the proposal would result in additional users of this already substandard access road.
17. Whilst I acknowledge the number of additional vehicle movements is likely to be limited, I have not been provided any details such as swept path analysis to demonstrate that the site could be safely accessed by the range of vehicles likely to require access to the site, including large delivery and refuse vehicles.
18. Therefore, having regard to the above constraints, I cannot be certain that such vehicles would be able to access the site, manoeuvre and turn so as to exit Ollersett Lane in a forward gear, without causing conflict with other users of the lane and pedestrians on the PRoW, resulting in an unacceptable impact on highway safety.
19. I have taken into account the potential upgrade and improvements of the track and Ollersett Lane. However, no detailed proposals have been provided. In any event, Ollersett Lane and the farm track are unadopted and fall outside of the appeal site boundary. There is also no mechanism before me, such as a legal agreement, to secure delivery of such works.
20. Whilst Ollersett Lane already serves a number of existing dwellings, I understand that these pre-date current local and national planning policy with regards to new residential development and highway safety. I also note the comments Waste Environmental Alliance raised no issues. However, this does not alter my findings above.
21. Consequently, I conclude that the proposal would be harmful to highway safety. It would not accord with Policy CF6 of the Local Plan and paragraphs 108 and 109 of The Framework, which collectively seek to ensure that development can be safely accessed and does not have an unacceptable impact on highway safety.

Other Matters

22. I also note that the Council consider the Local Plan to be up-to-date, and that they can demonstrate a 5 year supply of deliverable housing sites. Based on the evidence before me I have no good reasons to conclude otherwise.

Conclusion

23. For the reasons given above, the appeal is dismissed.

R Cooper

INSPECTOR