
Appeal Decision

Site visit made on 29 September 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/R1038/W/20/3249376

Leafield Nursery, Carr Lane, Brackenfield, Alfreton DE55 6DG

- 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 Mr & Mrs D Walker against the decision of North East Derbyshire District Council.
 - The application Ref 19/01063/OL, dated 23 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is the erection of 2 detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is made in outline with all matters reserved except for access. A site plan was submitted with the application. I have regarded all elements of that drawing as indicative apart from the details of the proposed site access.
3. I have been referred to policies and the proposed settlement hierarchy in the emerging North East Derbyshire Local Plan 2014-2034 (the ELP). However, aspects of the ELP remain subject to further consultation and thus possible amendment. I therefore afford those policies and the emerging settlement hierarchy limited weight in this case. I have determined the appeal on the basis of the North East Derbyshire Local Plan, adopted November 2005 (the Local Plan) and the Brackenfield Neighbourhood Plan 2017-2034 (the NP), which form the adopted development plan.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

5. The appeal site is part of a field in the settlement of Brackenfield. It is not within a Settlement Development Limit (SDL) as defined in the Local Plan. It is therefore in the countryside. Local Plan Policy GS6 states that, in such areas, new development will only be permitted where it is in keeping with the character of the countryside. NP Policy H1 states that housing proposals for small scale infill will be supported subject to being visually attractive and reinforcing local distinctiveness.

6. Brackenfield is a small, dispersed rural settlement characterised mainly by sporadic single buildings, or small groups of buildings, along its lanes. The settlement is centred on The Green, a large open space which is also notable for its dispersed character, with limited single buildings scattered along its western edge and a small cluster of buildings on Church Lane to the north. Fields and areas of open space form wide gaps to either side of that cluster and between those other individual scattered buildings. Those gaps are an integral component of the dispersed pattern of development around The Green. Along with the large plots of the buildings themselves, those gaps contribute to the distinctively spacious, rural character of that large open space.
7. As part of an existing field which fronts onto the far north western corner of The Green, the site is one of those areas of open space that are integral to the distinctive open, rural character of The Green. The site also separates the small cluster of development on Church Lane from the bungalow on the north western corner of The Green opposite the site. It therefore also comprises one of those gaps between buildings which contribute to the interrupted, dispersed pattern of development that characterises the edges of The Green.
8. The site also separates that small cluster of buildings on Church Lane from the larger cluster of predominantly 20th century semi-detached housing that extends along School Lane away from The Green to the west. Whilst those houses on School Lane are visible from parts of The Green, they do not form part of its frontages. They are also smaller and are arranged in a notably more close-knit layout than is characteristic of housing around The Green. They are therefore distinctively different in their scale, layout and appearance compared with the larger dwellings and more dispersed pattern of development which characterise the edges of The Green itself.
9. Consequently, in its existing form the site also provides a gap and a sense of visual and physical separation and distinction between the sparse, scattered development that characterises the edges of The Green and that larger, more close-knit cluster of housing beyond its north western corner.
10. As the development would occupy a gap between two existing clusters of buildings on Church Lane it could be considered a form of infill. However, in this instance the gap which is formed by the appeal site is itself an integral component of the distinctive, dispersed pattern of development that characterises the edges of The Green.
11. The development of the site would result in the loss of that area of open space. It would also remove the gap that currently exists between the cluster of development on Church Lane and the bungalow in the north western corner of The Green. It would therefore result in an incongruously long, continuous built-up frontage extending around the north western corner of The Green. Consequently, it would not preserve the distinctive dispersed pattern of development around The Green and would erode the distinctive character of that open space.
12. The development would also remove the gap between those buildings on the northern edge of The Green and the cluster of housing on School Lane. It would therefore remove the sense of separation and distinction between the sporadic, dispersed development around The Green and that more close-knit neighbouring development which extends away from it. This would have a further erosive effect on the distinctive, spacious character of The Green.

13. The volume and massing of the proposed buildings and their deleterious effects on the open, spacious character of The Green would be evident even if the site's frontage hedgerows were retained as proposed. Accordingly, neither the retention of those features nor the use of sympathetic building materials would overcome the harm I have identified.
14. Therefore, the development would not reinforce the local distinctiveness of its surroundings. Consequently, even if it were considered to be infill it would not accord with the requirements of NP Policy H1 in that regard.
15. Policy CH1 of the NP states that development proposals must not significantly harm important views. One such view (View 1) is taken from Carr Lane adjacent to the site. The relevant NP documents before me¹ indicate that View 1 extends alongside part of the site's western boundary in the vicinity of the public footpath sign near the junction of Carr Lane and School/Church Lane. The view extends roughly north eastwards and takes in glimpses of Ogston Reservoir and Higham Ridgeline. The view over fields and through trees towards those local landmarks is largely uninterrupted by built development. It therefore contributes to the rural character of the settlement, preserving a sense of direct connection between it and its wider countryside surroundings.
16. Based on the indicative site plan and my own observations I consider it likely that the dwelling closest to Carr Lane would interrupt that view to some degree, even if it were a dormer bungalow as indicated. The dwellings' rear garden areas would also be evident from that vantage point. The scheme would therefore introduce an incongruously domestic form of development into a prominent position in the foreground of that otherwise uninterrupted rural view, eroding the contribution it makes to the character of this part of Brackenfield. The layout shown on the submitted drawings is indicative. However, from the evidence before me and my own observations I am not satisfied that the site could accommodate the development proposed without causing harm to that view.
17. The appellants have expressed reservations about where infill development might occur if not on this site. Such matters are not for me to determine. I have considered the appeal on its own planning merits, based on the specific context and circumstances of the site, and I find it unacceptable for the reasons given.
18. The proposed development would have an adverse effect on the character and appearance of the appeal site and its surroundings. It would therefore not accord with the requirements of NP Policies CH1 and H1 or Local Plan Policy GS6 as set out above. It would also conflict with Policy CH2 of the NP and Policies GS1 and H12 of the Local Plan insofar as they require proposals to maintain local distinctiveness and reinforce local character, including in relation to open spaces between buildings.

Planning Balance and Conclusion

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) states that existing policies should not be

¹ The Important Views map in Appendix F of the NP and the photograph of View 1 in the Brackenfield Important Views Supporting Evidence to the NP

considered out of date simply because they were adopted prior to its publication and that due weight should be given to them according to their degree of consistency with the Framework.

20. The development would conflict with NP Policies CH1, CH2 and H1 and Local Plan Policies GS1, GS6 and H12. Insofar as they relate to the main issue in this case, character and appearance, those policies are consistent with the Framework which requires developments to be sympathetic to local character including the surrounding built environment and landscape setting. I therefore give considerable weight to those policies and to the conflict with them.
21. The development would provide two new dwellings, contributing to local housing supply. I am advised that the dwellings are intended for occupation by the appellants and their family and recognise that future occupants may provide some support for local businesses and community facilities, including those in nearby settlements. I have also had regard to references made to improvements to the land within the site since the appellants purchased it. However, those benefits that would arise from the two dwellings proposed would be very modest and do not outweigh the significant harm to character and appearance that I have identified.
22. The Council's Local Plan policies were adopted some time ago. Some are broad in nature and cover a range of different themes. Their requirements in respect of some of those other matters may not be wholly consistent with those of the Framework. However, with regard to the main issue in this case the requirements of those Local Plan policies and those of the NP are entirely consistent with the Framework as set out above.
23. The Council's reason for refusal also refers to Local Plan Policy H3. That policy seeks to limit the types of development permitted outside SDLs. It is therefore not directly relevant to the Council's reason for refusal, which relates to character and appearance. Whilst I have had regard to Policy H3, it does not relate directly to the main issue in this case and thus is not one of the policies most important for determining the application.
24. I have not been provided with compelling evidence to indicate that the Council is unable to demonstrate at least a 5 year supply of deliverable housing land, despite reservations expressed by the appellants in that regard.
25. Taking those factors together, I consider that the policies which are most important for determining the application are not out-of-date. However, even if I were to conclude otherwise, I find that the adverse impacts on character and appearance would significantly and demonstrably outweigh the modest benefits identified above when assessed against the Framework taken as a whole. Therefore, material considerations do not justify making a decision other than in accordance with the development plan in this case.
26. For the reasons given, I conclude that the appeal should be dismissed.

Jillian Rann
INSPECTOR