



Appeal Decision

Site visit made on 12 January 2021

by G Rollings BA (Hons) MAUD MRTPI

An Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/M9496/W/20/3257551

The Lodge, Manchester Road, Crosspool, Sheffield, S6 6GJ

- 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 Moorville Residential against the decision of Peak District National Park Authority.
 - The application Ref NP/S/1019/1109, dated 9 October 2019, was refused by notice dated 12 February 2020.
 - The development proposed is two storey detached residential units to existing care home.
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Decision

1. The appeal is allowed and planning permission is granted for two storey detached residential units to existing care home at The Lodge, Manchester Road, Crosspool, Sheffield, S6 6GJ in accordance with the terms of the application, Ref NP/S/1019/1109, dated 9 October 2019, and the plans submitted with it, subject to the list of conditions at the end of this letter.

Main Issues

2. The main issues are:
 - Whether the proposal would represent sustainable development, with reference to its location in a National Park;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on climate change and sustainability; and
 - The effect of the proposed development on local biodiversity.

Reasons

Whether sustainable development

3. The site is within the Peak District National Park, within a small cluster of residential development. Policy DS1 of the *Peak District National Park Local Development Framework Core Strategy Development Plan Document* (2011) (the 'Core Strategy') directs development to named settlements. Policy HC1 sets out a general presumption against new housing in the Park, with some exceptions noted.

4. The proposed units would be operated as part of the existing care home on the site. Policy DS1 allows for extensions to existing buildings to be extended. However, as the proposed development would be built as outbuildings and would be some distance from the main dwelling, I do not consider them to constitute an extension to a building, a form of development otherwise acceptable in principle within Policy DS1.
5. Nonetheless, the units would be self-contained, allowing for a more independent form of habitation than rooms in a traditional care home, and residents would rely on care services based in the main building. The buildings cannot therefore be considered as wholly independent dwellings in the same way as homes within the Class C3 use, but as an extension of the existing residential institution. Such development is not mentioned within Policy HC1 (except for aged persons' assisted accommodation) and therefore I do not consider this policy to be relevant in this appeal. Although I acknowledge the Authority's comments that the policy refers to all recipients of care, including those with an infirmity, it does not follow that the explicit policy reference to age should be disregarded in the case of this proposal, particularly as the proposed residents would not necessarily be physically infirm.
6. Furthermore, I have not been provided with policies to suggest that the proposed development would not represent sustainable development, as defined within the *National Planning Policy Framework* (2019) (the 'Framework'). I therefore conclude that it would represent sustainable development, with reference to its location in a National Park, and that it would not conflict with Core Strategy Policies DS1 and HC1, for the reasons set out above.

Character and appearance

7. The proposed buildings would comprise two buildings with the appearance of a single storey, with a first floor of accommodation within the pitched roofs. Their style would be similar to the existing outbuilding on the site, although one of the proposed buildings would be twice as long, with a central conservatory that would split this building into two separate units with a similar appearance to the existing.
8. Although the buildings contain non-traditional building materials, there would be limited visibility from nearby dwellings and they would be set back from the road by a significant distance, with the main lodge building as a separating structure. When viewed from further afield, from areas such as the rising moorland and crest on the south side of Manchester Road, together with the approaches, the buildings would appear as part of the existing building cluster of the lodge and adjacent buildings at Hollow Meadow Mews, which is more substantial in appearance than the appeal site buildings. The outbuildings would not appear obtrusive in this context, and their height and scale, considered cumulatively with the existing outbuilding would not detract from the visual primacy of the main lodge building.
9. The Authority raises concerns that additional parking could affect visual impact, but no new parking areas are shown on the plans. Other than the fact that the current permission allows for nine residents and the appellant intends for a maximum of 12 following the appeal development, there is nothing to suggest that the development would result in significantly increased parking demand.

Given the nature of care proposed for the residents of the new buildings, I consider that a substantial increase in demand would be unlikely.

10. I therefore conclude that the proposed development would not harm the character and appearance of the area, and there would be no conflict with Core Strategy Policies GSP1, GSP2, GSP3, DS1 or L1. There would also be no conflict with Policies in Part 2 of the Authority's Local Plan, the *Development Management Policies* (2019) (the 'DMP'), specifically DMC1 and DMC3. Together, these policies require new development to have a design appropriate to their setting, including the National Park Landscape, amongst other considerations, and are consistent with the aims of the Framework.

Climate change and sustainability

11. The Authority's concerns relate to the manner in which the development would mitigate the impacts of climate change through sustainable design and construction. No specific evidence has been provided by the appellant to demonstrate that this could be achieved, although a short statement has been provided which indicates possible measures that could be incorporated.
12. The Authority has cited a previous appeal decision¹ in which I dismissed a proposal for not ensuring that opportunities to reduce greenhouse emissions and minimise energy consumption were 'built in' from the inception of the design process. That appeal was for the development of a vacant site for new housing. This proposal is for the extension of an existing facility. Although this does not negate the need for the development to comply with local and national planning policy, the proposal could be subject to a suitably worded condition to ensure that sustainability is applied to the construction and further design.
13. I therefore conclude that the development would have a harmful impact on climate change and sustainability, in its failure to achieve the highest possible standards of carbon reductions and water efficiency, as required by Core Strategy Policy CC1. Although some of the harm could be mitigated by a planning condition, the proposal would conflict with this policy and the Framework, particularly paragraphs 150 and 153.

Biodiversity

14. Trees in the vicinity of the proposed buildings are mostly limited to the site boundaries. The appeal plans do not indicate the locations of trees, but during my visit to the site, I noticed that although much of the area in which the buildings would be sited is grassed, there are some trees in the corner of the site which may require removal. The absence of detailed information on this matter means that I cannot be sure whether this is the case.
15. Nonetheless, there are no protected trees on the site and the trees in question are part of a larger cluster. Were they to be removed, it is unlikely that there would be a loss of wider landscape value. Other trees are some distance from the intended location of the buildings and there would be minimal overhanging of canopies. A planning condition requiring further assessment and protection where necessary would be appropriate.

¹ Appeal reference: APP/M9496/W/19/3240770; decision dated 18 August 2020.

16. No evidence has been provided to indicate that the site is of particular value to local ecology, or that the extension of the facility would result in any significant loss of habitat. In this instance, given that the likely level of harm would be insubstantial, a condition requiring further assessment would be appropriate, together with control of external lighting.
17. I therefore conclude that the proposed development would have some harm on biodiversity, but with submission of appropriate information and future management, there would be no conflict with Core Strategy Policies CS L1 and L2, or DMP Policies DMC11, DMC12 and DMC13. Together, these require development to protect landscape features and set out future management of natural features, amongst other considerations. These policies are consistent with the Framework.

Other issues

18. The appellant has provided me with benefits of the proposal in respect the care that it would provide. Since the appeal is made for the provision of the facility for disabled individuals, they are persons who share a protected characteristic for the purposes of the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. Although no specific individuals have been identified, I have given due regard to my responsibilities under the PSED, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
19. Submissions received from interested parties include both support for and objections to the proposed development. Of the matters not covered above, others such as the impact of construction can have any potential harm mitigated by using planning conditions. Concern was expressed about the continuing expansion of the care facility since opening, but future proposals will also be subject to planning control.
20. The distance between the proposed buildings and neighbouring dwellings, together with existing buildings and vegetation, would limit any overlooking and loss of privacy. Given the minimal intended increase in the number of residents of the facility, any substantial increase in highway usage, or noise and disturbance, or loading on drainage and sewage, is unlikely and I have limited evidence to suggest that any such increase would occur.

Planning Balance

21. I have found that there would be no conflict with the development plan for the area with regard to the provision of the facility, and character and appearance. There would be minimal harm with regard to local ecology and energy and climate change measures, although this could be mitigated with the use of planning conditions to ensure that the development does not conflict with the development plan as a whole.

Conditions

22. The Authority supplied a list of suggested conditions which I have assessed against the tests set out in the Planning Practice Guidance (PPG)². Condition No. 2 is included for the absence of doubt, and conditions 3, 5, 9, 10, 11, 12,

² PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.

13, 14, 15 and 16 are included for to ensure that the character and appearance of the site and area is preserved. Additionally, condition 3, together with conditions 4 and 6, are imposed to preserve local biodiversity, and condition 5 for reasons of preventing any additional noise, disturbance and highways impact. Conditions 7 and 8 are included to ensure that the development is used in the manner which is intended by the proposal. I have had regard to the PPG's advice on imposing a restriction of the type set out in condition 8, but consider that exceptional circumstances apply in this case, given the site location and the specialist nature of the proposed accommodation.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed.

G Rollings

INSPECTOR

LIST OF CONDITIONS

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: "Site Plan" Rev J 1:1000@A4, dated Oct 19; "Plans & Elevations" 1:100@A2, dated October 2019, (two pages); "Site & Floor Levels" 1:100@A1, dated November 2019.
- 3) Notwithstanding the approved plans, prior to the first occupation of the development hereby approved a detailed scheme for landscaping (including walling; ground surfacing and levels and tree and hedge planting) shall be submitted to and approved in writing by the National Park Authority. Once approved, the planting or seeding within the first planting seasons following completion or first occupation of the development (whichever is sooner). Any walling or surfacing shown on the approved plan shall be completed before the first occupation of the development. Any trees dying, being severely damaged or becoming seriously diseased shall be replaced within the next planting season with trees of an equivalent size and species or in accordance with an alternative scheme agreed in writing by the Authority before any trees are removed.
- 4) The development hereby approved shall not be occupied until a detailed scheme of environmental management measures has been implemented in accordance with a detailed scheme which shall have first been submitted to and approved in writing by the National Park Authority.
- 5) Prior to the first occupation of the development hereby approved, any additional parking spaces shall be provided in accordance with a scheme which shall have first been submitted to and approved in writing by the National Park Authority. Thereafter the parking spaces shall be maintained available for their designated use throughout the lifetime of the development hereby approved.

- 6) No external lighting shall be installed other than in complete accordance with a detailed scheme which shall have first been submitted to and approved in writing by the National Park Authority.
- 7) The residential units hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing care home (Use Class C2) at The Lodge, Manchester Road, Crosspool.
- 8) The premises shall be used for the provision of residential accommodation to a maximum of 12 persons in need of care (other than a use within class C3 (dwelling houses) and for no other purposes (including any other purpose in Class C2 of the schedule to the Town and Country Planning (Use Classes) Order 2015 or in any order revoking and re-enacting that order).
- 9) All new service lines associated with the development hereby approved shall be placed underground and the ground restored to its original condition thereafter.
- 10) All new stonework shall be in natural gritstone faced, coursed and pointed to match the stonework to the main building.
- 11) The roofs shall be clad with natural blue slate to match the main building.
- 12) The pointing to all new external stonework shall be bag or brush-rubbed and slightly recessed from the external face of the stonework.
- 13) All new window frames shall be recessed from the external face of the wall to the same depth as the existing window frames to the main building.
- 14) All new windows in the development hereby permitted shall match those of the main building in terms of appearance, materials, glazing bar detail, recess, method of opening and external finish.
- 15) The rainwater goods shall match the existing in terms of size, texture and colour.
- 16) All pipework, other than rainwater goods, shall be completely internal within the building.