



Appeal Decision

Site Visit made on 14 June 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/H1033/W/21/3270958

26 Bings Road (land adjacent to 25 Bings Road), Whaley Bridge, High Peak SK23 7ND

- 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 Philip Alsop against the decision of High Peak Borough Council.
 - The application Ref HPK/2020/0517, dated 13 November 2020, was refused by notice dated 5 February 2021.
 - The development proposed is to erect two detached dwelling houses, each a traditional 2-storey dwelling, each to have a floor plan of 10m x 9m. The houses would occupy the central part of the land, being an equal distance to the boundary wall on either side and approximately an equal distance from the boundary at the top and bottom, the road providing the base boundary.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application from which this appeal resulted was made in outline with all matters reserved for future consideration. I have considered the appeal on this basis. And in light of this, I have considered the plans before me as indicative.

Main Issues

3. The Council refused the planning application on several grounds, including highway safety. During the appeal the Council withdrew its objection to highway safety. The appellant and third parties have had an opportunity to comment on this. I am satisfied, therefore, that no party has been prejudiced by proceeding with the appeal on the basis that highway safety is not a concern. The main issues, therefore, are:
 - i) whether the proposal represents an appropriate development in the countryside, having particular regard to local policy and including consideration of the effect upon the character and appearance of the area, and;
 - ii) the effect of the proposal on ecological habitats.
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Reasons

Appropriateness of development

4. The appeal site is outside a settlement boundary and therefore Policies EQ3 and H1 of the Local Plan (2016) are relevant. The policies control new development outside settlement boundaries to, in part, protect the landscape's intrinsic character and distinctiveness. In doing so, the Policies set out the criteria that new residential development must be assessed against.
5. In relation to Policy EQ3, the main parties' concerns relate to the redevelopment of a previously developed site where it does not have an adverse impact on the character and appearance of the countryside, or the limited infilling of a small gap.
6. The appeal site is at the end of a row of houses that front Bings Lane. 'Gap' refers to a space between two objects and when reading Policy EQ3, 'limited infilling of a small gap' suggests to me a space between properties. Being at the end of a row of houses, the development would not be infill.
7. The detached properties that front Bings Road are set within good sized plots which gives these houses a spacious setting. The illustrative plans before me suggest that the two detached houses proposed would not be afforded the same generous spacing. The development would, therefore, appear cramped and unduly urban in character. Being an incongruous form of development, the proposal would be significantly harmful to the character and appearance of the area. And so the development would not meet the criteria in Policy EQ3 of being limited infilling or without an adverse impact on the character and appearance of the countryside. The intention to construct the dwelling using materials sympathetic to the site's surroundings would not overcome the harm found relating to the pattern of development.
8. It is also a requirement of Policy EQ3 that development accords with Policy H1 and all criteria listed. Whilst the development would be close to a built-up boundary, it would not adjoin it. The appellant suggests that the built-up boundary could be moved but this is a policy matter which is not for consideration as part of this appeal. The development would also have a significant adverse impact on the character of the countryside. As a result, not all criteria in Policy H1 would be met.
9. All in all, for the reasons given, the development would not be an appropriate form of development in the countryside and therefore would conflict with Policies EQ3 and H1 of the Local Plan (2016).

Ecological habitats

10. The Planning Practice Guidance (PPG) states, "*As with other supporting information, local planning authorities should require ecological surveys only where clearly justified. Assessments should be proportionate to the nature and scale of the development proposed and the likely impact on biodiversity*". Whether a survey is necessary for the development proposed, therefore, is a matter of judgement.
11. The site is within 60 metres of the Roosedyche SSSI and Local Wildlife Site. The protection and enhancement of biodiversity is an important objective in the National Planning Policy Framework (2021) (paragraph 174) and the Local Plan

(2016) (Policies EQ5 and EQ8) which seek to protect and enhance local ecological networks and ensure that development does not have a detrimental effect on the amount or function of existing green infrastructure.

12. Although overgrown, the appeal site supports a range of flora and fauna. Together with the SSSI and Local Wildlife Site being nearby, it is appropriate that the impact of the development on biodiversity is investigated at the outline stage of planning as part of assessing the principle of the development. In the absence of relevant ecological and biodiversity information to suggest otherwise, I can only surmise that the development would have a harmful impact on ecological habitats, contrary to Policies EQ5 and EQ8 of the Local Plan (2016) and the National Planning Policy Framework (2021).

Conclusion

13. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. For the above reasons, the appeal is dismissed.

R Walmsley

INSPECTOR