



Appeal Decision

Site Visit made on 15 June 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2021

Appeal Ref: APP/H1033/W/21/3270318

Plot of land adjacent to drive to side of 1 New Cottages, Ladmanlow

- 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 Trevor Lowton against the decision of High Peak Borough Council.
 - The application Ref HPK/2018/0131, dated 5 January 2018, was refused by notice dated 11 September 2020.
 - The development proposed is described as an 'outline application for 4 proposed terraced dwellings to site adjacent to the road to the side of 1 New Cottages, Ladmanlow'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (Framework) was published in July 2021. Some of the paragraph numbers have changed, but the substantive elements of the Framework relevant to the main issues of the appeal remain as per the 2019 iteration. Whilst I have referred to the 2021 Framework in my decision, it is for the reasons I have explained that I have not invited comment from the main parties. For the same reasons, their respective cases would not be prejudiced by my actions. I have proceeded on this basis.
3. The appeal application was made in outline with all matters reserved. I have therefore dealt with the appeal on this basis, treating the submitted plans as indicative.

Main Issues

4. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) biodiversity.

Reasons

Character and Appearance

5. The appeal site is situated in a rural area, which contains small groups of buildings in a largely open landscape. The Council make reference to the Landscape Character Supplementary Planning Document (2006) (SPD), which describes the limestone moorland landscape character area within which the site is located as '*an undulating highland landscape of rough grazing and stock rearing, with prominent limestone outcrops and open, expansive views*'.

6. The main parties dispute whether the appeal site is previously developed land. However, regardless of its history as railway sidings and storage sheds and it not having been put to any other use following their demolition/removal, it currently appears as an open, green area of land that is covered with various vegetation. Given the absence of development on the site, and it being contiguous with open countryside to the south, it makes a positive contribution to the prevailing rural character of the area.
7. The proposed dwellings along with the car parking area would introduce an urban form of development that would be in stark contrast to the surrounding rural character. Although the appellant considers the site is in an area that forms the edge of the built-up area boundary of Buxton, I was able to see at the time of my visit that the appeal site is separated from the main built-up area of Buxton by Grin Low Road and open fields beyond it. It is therefore separate and distinct from the built up area, in a highly prominent location when viewed from open land to the south and west and the road approach to Buxton. The appeal site is situated close to a long-established terrace row which I appreciate the proposal has been designed to be a continuation of and reflect in terms of its height, form and materials. However, the appeal site is currently open, undeveloped and relates positively to the surrounding rural landscape. The dwellings would thus appear as an incongruous form of development that would be at odds with the surrounding open countryside.
8. The proposed development would therefore have a harmful impact on the character and appearance of the area. As such, it would conflict with Policies H 1, EQ 2 and EQ 3 of the High Peak Local Plan (2016) (Local Plan), which seek, amongst other matters, to ensure that development would not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside. It would also be contrary to the SPD which seeks, amongst other matters, to strengthen the landscape character of the High Peak and paragraph 130 of the Framework, which seeks to ensure that development is sympathetic to local character, including landscaping setting.

Biodiversity

9. The proposed development would be located close to the Stanley Moor Complex Local Wildlife Site, which the Council state supports various types of grasslands and habitats. The potential for there to be ground nesting birds has also been raised. An ecology survey was not submitted with the planning application or the appeal.
10. The appellant states that this matter could be secured by condition. However, given the location of the appeal site in close proximity to a Wildlife Site, it is necessary for an ecological survey to be carried out to determine whether protected species or habitats are present on or near it and, if so, what the effect of the proposed development would be and whether any mitigation measures would be needed. In the absence of such a survey, I cannot be sufficiently certain that protected species or their habitat would not be adversely affected. Putting aside my findings on the first main issue, I would not therefore be able to grant a planning permission should any element thereof directly or indirectly affect species or their habitats.
11. As such, the proposed development would conflict with Policy EQ 5 of the Local Plan, which seeks to ensure, amongst other matters, that development

proposals would not result in significant harm to biodiversity interests. It would also be contrary to paragraph 174 of the Framework, which states, amongst other matters, that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Other Matters

12. The appeal site is in an accessible location, close to bus routes and other amenities. Whilst this would minimise the need to travel, this would be a lack of harm and is incapable of weighing against the harm that would be caused by the development. The proposal would contribute to meeting housing targets albeit I am not aware of the Council being in an undersupply situation in this regard. The scheme could assist in contributing to the upkeep of the access road, but I am not clear that the proposed development is the only way to achieve this. I would attach substantial weight to my finding of harm in regard to the two main issues and the subsequent conflict there would be with the development plan. Taking this and the above into account, I am not minded to allow the appeal.
13. The site is not known to be contaminated, but a lack of harm in this regard is also a neutral factor. I have taken into consideration reference to a number of large housing development sites and the appeal proposal being modest in comparison. Accordingly, I have considered the appeal scheme on its own merits and regard to its own context. The appellant has stated that Ladmanlow housed more people historically than it does today but I fail to see what specific relevance this has to the planning merits of the appeal scheme.

Conclusion

14. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR