
Appeal Decision

Site visit made on 17 August 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/M9496/W/21/3270648

Moor Lodge, Sugworth Road, Sheffield S6 6JA

- 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 Mr and Mrs Cutler against the decision of Peak District National Park Authority.
 - The application Ref NP/S/1120/1062, dated 9 November 2020, was refused by notice dated 19 January 2021.
 - The development proposed is creation of driveway for dwelling with associated works (including boundary treatments and detailed landscaping scheme). Scheme includes change of use of land to domestic and is partially retrospective
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the Framework.
3. The parties agree that the description of the development has changed from that set out on the application form. I have taken the description in the banner heading from the appeal form and determined the appeal accordingly.
4. There is no dispute that some work has taken place at the appeal site which may contribute towards the development shown on the submitted drawings. It is not for me as part of this section 78 appeal to determine whether the work undertaken is lawful or to address concerns about advice provided to the appellant by the Authority. These are matters to be resolved between the parties. I have determined the appeal based on the proposed drawings, having regard to the evidence before me and on its own planning merits.
5. The appeal site is within the Peak District Moors Special Protection Area (SPA) and the South Pennine Moors Special Area of Conservation (SAC), which are European Designated sites. The Conservation of Species and Habitats Regulations 2017 (as amended) (the Habitats Regulations) requires the decision maker to consider whether the proposal could adversely affect the integrity of these sites.

Main Issues

6. The main issues are (i) whether the appeal site is an appropriate location for the development having regard to local planning policies; (ii) the effect of the proposed development on the landscape character and scenic beauty of the Peak District National Park; and (iii) the effect of the development on the integrity of sites of national and international importance for nature conservation and biodiversity.

Reasons

Location

7. Sugworth Road is a rural road which runs through the Peak District National Park. Moor Lodge is a large, detached stone-built property set back from the road frontage, above road level. The property has a large front garden with boundaries defined by dry stone walling. A pedestrian gate with stone gate piers provides access to the garden from the road. Vehicular access to parking and turning area for the property is via a driveway from Sugworth Road to the north of Moor Lodge.
8. The appeal site is land to the south of Moor Lodge. For the purposes of the development plan part of the appeal site is within the Natural Zone, which encompasses wilder areas of the National Park with minimal obvious human influence, and the entire appeal site is located within open countryside.
9. Policy DS1 of the Peak District National Park Authority Core Strategy (Core Strategy) sets out the overarching development strategy for the area supporting certain forms of development in the countryside (under part C of Policy DS1) outside the Natural Zone. Policy L1 of the Core Strategy states that other than in exceptional circumstances proposals for development in the Natural Zone will not be permitted. Policy DMC2 of the Development Management Policies Part 2 of the Local Plan (DMP) sets out the exceptional circumstances in which development is permissible in the Natural Zone. Exceptional circumstances are those developments where a suitable, more acceptable location cannot be found elsewhere and where the development is essential for the management of the Natural Zone or for the conservation and/or enhancement of the National Park's valued characteristics.
10. The proposal is not development identified in Policy DS1C as acceptable in principle within the open countryside. Further, there is little evidence before me that the existing garden, parking, and turning facilities are not suitable and acceptably located for the dwellings use. Therefore, there is nothing before me that would lead me to conclude that there are exceptional circumstances to support the proposed development in the Natural Zone. Although I note the comments of the appellant regarding advice provided by the Authority, this matter does not justify the proposed development.
11. Overall, I conclude that the appeal site is not an appropriate location for the development having regard to local planning policies. It would conflict with Policies DS1 and L1 of the Core Strategy and Policy DMC2 of the DMP.

Landscape character and scenic beauty

12. The Authority's Landscape Character Assessment (2009) identifies the landscape character area including the appeal site as Dark Peak Yorkshire

Fringe with a character type of 'Open Moors'. The relevant characteristics are described as an open undulating high gritstone plateau with extensive blanket peat covered by cotton grass bog and heather moorland. It is further described as a wild, unsettled landscape with wide views to distant surrounding hills.

13. The appeal site has substantial tree cover adjacent to the road frontage, is enclosed by dry stone walling to three sides and is accessed separately from the road frontage. There is a gated access in the northern stone side boundary wall into the garden of Moor Lodge but otherwise, the appeal site is separate from the adjacent domestic garden physically and in character. Although there is tree cover adjacent to the road, the open nature and moorland characteristics of the rear part of the appeal site are clearly visible from the road frontage and from a wide area of open access land.
14. The proposed tarmac track, electric gates, and formalised entrance with stone piers, parking and turning areas and the proposed landscaping with its more formal planting and regrading of land would intrude into the open moors landscape at the rear of the site. The development would introduce a formality to the site layout that would denote its proposed domestic use and would not be characteristic of the wild open, undeveloped appearance of the site or the simple form of the pre-existing front boundary treatment. As a result, the development would be visually obtrusive and would adversely affect the landscape character and scenic beauty of the national park.
15. I have considered the appellant's view that the existing situation on site should be considered rather than the appearance before any works were undertaken at the access. However, even if, the access existed previously in its present form and part of the land has been used for parking, the proposed development would be significantly different in terms of its form and extent and does not alter the concerns I have set out.
16. Overall, the development would have a harmful effect on the landscape character and scenic beauty of the Peak District National Park and would conflict with Policies GSP1, GSP3 and L1 of the Core Strategy and Policies DMC3 and DMT8 of the DMP where priority is given to the conservation and enhancement of the National Park and valued landscape character. It would also conflict with the Framework where it states that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks.

The effect on sites of national and international importance

17. The relevant primary conservation objective for the SAC is to maintain or restore favourable conservation status of its qualifying features including blanket bogs, defined as irreplaceable habitat in Annex 2 of the Framework. The objective for the SPA is to maintain or restore populations of breeding merlin, golden plover, and short-eared owl.
18. The appeal site is within the Eastern Peak District Moors Site of Special Scientific Interest (SSSI). The SSSI citation states that 'The Eastern Peak District Moors are of special interest for their breeding birds, upland vegetation, lower plants, invertebrates and geological features. The combination of blanket bog, wet and dry heaths, acid grasslands and small flushes, together with gritstone edges, cliffs and boulder slopes, streams and moorland reservoirs, and fringing woodland represents the full range of upland vegetation

characteristic of the South Pennines and supports several important species assemblages.’

19. While Natural England (NE) and the Authority’s Ecologist advise that the development will not affect SAC features or SSSI features subject to conditions. NE’s assessment refers to development on an existing track way. The proposal includes the change of use of a large area of land for domestic purposes and there is limited evidence before me that the implications of a domestic use of the appeal site area on designated sites has been considered by NE.
20. Further, no comprehensive ecological appraisal has been provided with the appeal and there is limited reference to the site’s designations in the appellant’s statement of case. Therefore, there is no baseline assessment of the biodiversity of the appeal site and there is insufficient information for me to establish the biodiversity value of the site, to assess the effect of the development either alone, or in combination with other developments, on the designated sites or its effect on biodiversity more generally.
21. For these reasons, I conclude that insufficient information has been provided to demonstrate that the development as a whole would not harm sites of national and international importance for nature conservation and biodiversity in conflict with Policies GSP1 and L2 of the Core Strategy and Policies DMC11 and DMC12 of the DMP where these policies seek to protect designated sites and to ensure no net loss in biodiversity. It would also conflict with the Framework where it seeks to minimise impacts on, and provide net gains for, biodiversity. In addition, the effect of the development on the integrity of designated sites cannot be assessed and the scheme would fail to comply with the Habitats Regulations.

Conclusion

22. Overall, for the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR