



Appeal Decision

Site Visit made on 14 September 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/H1033/W/21/3274517

Forge Manor (Phase 2 (Plots 110- 114) Re-Plan) Land At Forge Road, Chinley, Derbyshire, SK23 6BW

- 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 Miss Claire Campbell (Wainhomes (North West) Ltd) against the decision of High Peak Borough Council.
 - The application Ref HPK/2019/0561, dated 13 December 2019, was refused by notice dated 13 November 2020.
 - The development proposed is a Detailed Planning Application For Revisions To Layout Approved Under Reserved Matters Approval HPK/2016/0313 (Phase 2) Comprising Alternative Road Layout, The Repositioning Of A Bridge Crossing Black Brook And Revised Dwelling Types For Plots 110 – 114.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (The Framework) was published on 20 July 2021 and the main parties have been given the opportunity to make comment on this in relation to the appeal.
3. The appeal is accompanied by amended plans which reflect the fact that the bridge over the Black Brook has now been constructed on site in the position that was originally approved. This has necessitated some minor alterations to the road layout serving the five dwellings and it means that the intended repositioning of the bridge does not require consideration as part of this appeal. In addition, due to the passage of time that has passed between the planning application and the appeal, an updated Ecological Assessment and an updated Arboricultural Method Statement have been provided.
4. Whilst I acknowledge the Council's objection to these documents and amended plans being accepted into the appeal process, they relate to matters which did not form reasons for refusal. Furthermore, neither document suggests that harm would now arise from the proposal that is before me. The amended road layout does not result in any material changes which would suggest that highway related concerns might arise. Therefore, on application of the Wheatcroft Principles¹, I am satisfied that accepting the amended plans and updated documents would not result in prejudice to any party that has an interest in the proposal. I proceed on that basis.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Background & Main Issue

5. The 5 dwellings form part of a larger housing development that was originally granted outline planning permission in 2013² on the site of the former Forge Works. The plots are within phase 2 of the reserved matters submission, approval for which was granted in 2017³. The appeal proposal has been submitted as a full planning application which shows differences in both the layouts of plots 110-114 and their respective house type designs, as compared to that previously approved.
6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site is located on the edge of the development site which encompasses the former Forge Works, at the transition point between what will become the edge of the built form of the housing estate and the countryside. It is somewhat visually and physically separated from the main part of the development site owing to the fact that it is accessed via a bridge over the Black Brook. Although the surrounding topography and the existence of plentiful established vegetation limits the visibility of the site from longer range views, the presence of both the Peak Forest Tramway Trail (PFTT) and a public footpath which runs along the boundary of the site mean that any development upon it would have extensive public visibility from areas closer to it. Due to its location on the edge of the wider development site, its interface with the countryside and in terms of its public visibility, it forms a visually sensitive site.
8. Reference is made to the previous use of the appeal site as part of the wider Forge Works, specifically as it being a tip on which a number of structures were present. Furthermore, the site is located within the built-up boundary as defined by the development plan. There is however no substantive information regarding the previous use or details of the previous structures before me but, irrespective of this, structures of any substantial scale that may have been present have now been removed and the appeal site is overgrown with vegetation. The baseline on which to assess the appeal proposal is therefore the extant reserved matters approval which includes the provision of 5 dwellings on plots 110-114. There would appear to be a high probability of this fallback scheme being built out if this appeal is not successful and it therefore represents a viable fallback position.
9. The dwellings which form the appeal proposal (with the exception of the Haversham house type which is present on both schemes), would be higher and would have greater footprints than those of the fallback scheme. They would also have a greater massing, both in terms of their overall built form and the bulk of their roofs. As a result, they would collectively form a much more imposing development than the fallback scheme and they would have a greater and more dominant visual impact on the character and appearance of the surrounding area. Their designs would also be less simple and less sensitive to an edge of settlement site, portraying a less rural and a more urban form. Taken together, these factors mean that there would be significant harm caused to the character and appearance of the area by the appeal proposal, in

² APP/H1033/A/13/2189819

³ HPK/2016/0313

particular on views taken from the PFTT and the public footpath and due to the sensitive edge of development location in which it would sit, even on consideration of the impact that the fallback scheme would have.

10. Furthermore, the appeal plans show that there would be a removal of a large part of a hedge shown adjacent to plot 110 on the reserved matters approved scheme, which reduces what would have been a visual buffer in particular from the public footpath. This would serve to further increase the visual impact of the proposed dwellings on the public domain. In addition, buffer planting in that area would appear to now be contained within the defined curtilages of plots 110 to 113. The concerns raised regarding the difficulties of ensuring the long-term retention of planting within domestic curtilages are well-founded, and should it be removed the buffer to the public footpath would be substantially reduced as compared to the fallback scheme, where the landscaped buffer area falls outside of the curtilages of the dwellings.
11. It is suggested that the appeal proposal would provide more trees to the fronts of the dwellings and more overall planting within the development, but this would not overcome the impact from the proposed scheme as a whole, especially given the concerns regarding the buffer planting highlighted above. Any benefits arising from the reorientation and positioning of the amended dwellings on plots 110 and 111 in relation to the approach across the bridge and there being one less double detached garage would be slight and are outweighed by the overall impact in comparison to the previous approval. Whilst it is argued that there is no policy requirement to follow a traditional vernacular, nonetheless the relevant policies seek to advance new development that is appropriate within the context it would be located.
12. Reference is made to an approval for 12 dwellings⁴ on a site known locally as Spring Meadow which adjoins the western boundary of the wider Forge Works site, another part of the PFTT and a Conservation Area. The approval in question includes the provision of the Raleigh and Richmond house types which are present in the appeal proposal. Although the approved 12 dwellings had not been constructed at the time of my site visit, I was able to view the site in the context which it sits, from the PFTT which passes at an elevated height next to it. Whilst there are some similarities between the Spring Meadow site and the appeal site, in particular in terms of their relationship to the PFTT, and that they share boundaries with what can be considered to be the edge of the built form of Chinley, there also are material differences between the two sites.
13. In particular, the Spring Meadow site is located between the Forge Works development and what is a much more built-up section of Chinley, thus occupying a much less visually sensitive site, whereas the appeal site is much more visually isolated on the far edge of the Forge Works development. Development on the appeal site would therefore be much less visually integrated with both the Forge Works development and Chinley as a whole, and the visual impact of such development would be much more pronounced as a result. Furthermore, I am not bound by previous decisions of the Council. Therefore, the fact that two of the house types which are part of the appeal proposal have been approved elsewhere does not justify the proposal that is before me.

⁴ HPK/2018/0143

14. In conclusion, whilst there is a real prospect that the fallback development would be implemented if this appeal is unsuccessful, in comparison with the appeal development that development would cause a lesser impact upon the character and appearance of the surrounding area than the appeal development. Its existence and the fact that it could be implemented therefore carries only limited weight in that context.
15. For the reasons I have outlined the appeal proposal would cause significant harm to the character and appearance of the surrounding area. This would fail to accord with Policies S1, S1a, S2, EQ6 and EQ9 of the High Peak Local Plan 2016 (LP), where they collectively seek to protect the character and appearance of areas. There would also be conflict with the High Peak Design Guide 2018 and the Residential Design Supplementary Planning Document 2005 where they aim to ensure that new development is visually appropriate for its surrounding context, and with The Framework where it seeks to achieve well-designed places.
16. There would however be no specific harm to the PFTT in terms of it being a non-designated heritage asset, in particular given the proximity of other recently built existing development to it, and therefore no conflict with Policy EQ7 of the LP. Policies H1 and H3 are primarily strategic planning policies relating to the location of new development, including housing. Given the planning history of the site and the extant planning permission, the proposal does not offend these policies. Policy EQ2 and The Landscape Character Supplementary Planning Document 2006, and to a lesser extent Policy S6, also provide overarching policy and guidance on new development within larger defined landscape character areas, and therefore they are only of limited relevance given the relatively small scale of the proposal and its relationship to the already approved redevelopment of the former Forge Works site.

Other Matters

17. A number of considerations have been advanced as being benefits of the proposed development, including the economic, social and environmental benefits which are advocated by The Framework. These are referenced as including construction and public sector jobs, expenditure in the local economy including in generating demand for services, contributing to meeting housing need, the potential to reduce reliance on motor vehicles and the enhancement of biodiversity. It may also be the case that the remediation of any land contamination would be achieved. However, there is nothing before me to suggest that these benefits are specific only to the appeal proposal and that equivalent benefits would not be realised from the approved reserved matters scheme. This is therefore a neutral consideration in the planning balance.
18. Considerations relating to links to and from the site to the transport network, including the fact that Chinley has a railway station and to there being a presence of a range of services and facilities close by including shops and schools as being benefits of the proposed development are also matters which share commonality with the approved reserved matters scheme. These too therefore only weigh as neutral considerations.
19. It is suggested that demand for larger houses with home working space has increased during the Covid-19 pandemic, but no substantive evidence of this has been provided, nor can it be certain that any such demand that may have

arisen would be continued in forthcoming years. This consideration therefore carries only limited weight in favour of the proposed development.

20. The absence of objections from statutory consultees does not justify a harmful development. That other land under the control of the appellant is not intended to be developed is not a relevant consideration when assessing the impact that the appeal proposal would have.

Planning Balance & Conclusion

21. The proposed development would fail to accord with Policies S1, S1a, S2, EQ6 and EQ9 of the LP, where they seek to protect character and appearance. This conflict means that the proposal would fail to accord with the development plan, taken as a whole.
22. The fallback position identified would have a lesser impact on the character and appearance of the surrounding area than the appeal proposal and the consideration that it could be implemented therefore carries only limited weight. Furthermore, in comparison to the fallback scheme, the benefits that have been advanced can only be considered to be neutral in the planning balance. Any benefits arising from the provision of home working areas within the proposed dwellings carries only limited weight in favour of the proposal. Taken individually and collectively, these considerations do not outweigh the harm I have identified and the conflict with the development plan.
23. In conclusion, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Accordingly, the appeal should be dismissed.

Graham Wraight

INSPECTOR