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# Appeal Decision

Site Visit made on 2 November 2021

**by F Rafiq BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 January 2022**

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**Appeal Ref: APP/M9496/W/21/3277640**

**Town End Farm, Main Street, Chelmorton, Derbyshire SK17 9SH**

- 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 Jonathan Devereux against the decision of Peak District National Park Authority.
  - The application Ref NP/DDD/1020/0941, dated 9 October 2020, was refused by notice dated 20 January 2021.
  - The development proposed is described as a new build dwelling to satisfy a local need.
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**This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 23 November 2021.**

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Amended plans were submitted to and accepted by the Authority during the course of the application which included the removal of the garage and a reduction in the accommodation at the ground floor of the proposal. These were considered by the Authority in making its decision and I have therefore assessed the appeal on the same basis.
3. A revised National Planning Policy Framework was published in July 2021 (the Framework). Whilst the paragraph numbers have changed in regard to those relevant to the main issues of this case, the substance thereof remains the same as the 2019 iteration. I have had regard to the revised Framework in this decision.

## Main Issues

4. The main issues are (i) the consistency of the development with local needs planning policy for affordable homes, (ii) the effect of the development on highway safety, and (iii) the effect of the development on potential archaeological interests at the site.

## Reasons

*Consistency with Local Needs Policy*

5. Policy HC1 of the of the Core Strategy Development Plan Document states that provision will not be made for housing solely to meet open market demand. It further sets out criteria where new housing can be accepted, and this includes addressing eligible local needs for homes that remain affordable with occupation restricted to local people in perpetuity. Policies DMH1 and DMH2 of the Authority's Development Management Policies (DMP) set out criteria relating to the location and occupation of new affordable housing.
6. The Authority has considered the appellant's daughters circumstances in relation to these referenced DMP policies and agree that she qualifies for local housing need for a single person dwelling. The appellant has referenced DMP Policy DMH1 and states that the allowable floorspace is 70sqm. This floor area however relates to new build housing for three persons and not one. Although the appellant states that the housing need in this case is for a 3-person dwelling, I have not been provided with any information in this respect and note the references elsewhere in the appeal submission to the need for the proposal to provide for the appellant's daughter.
7. I have no reason to doubt that the proposal is well designed and modest for a 3-person dwelling. It would not however only marginally exceed the maximum internal floor area for a single person dwelling, which is the relevant size threshold for the housing need demonstrated by the appellant. Its floor area size would be well in excess of the relevant maximum internal floor area of 39sqm and a small reduction in the length of the building would not bring the proposal within the relevant size threshold. I appreciate that the minimum floor space set out in the Technical housing standards – nationally described space standard (2015) requires a 2 storey dwelling to be a minimum of 58sqm. Nevertheless, this does not detract from the greatly excessive size of the proposal. I have no reason to believe that a smaller dwelling than that proposed could not be accommodated on the site that also meets with the national space standards and design guidance to reflect the traditional village setting.
8. I therefore conclude that the proposal would not be consistent with local needs planning policy for affordable homes, and it would conflict with DMP Policy DMH1, which amongst other matters, seeks new build affordable housing to be appropriately sized.

#### *Highway Safety*

9. The proposed dwelling would be served using an existing access point off Main Street. There is some difference between the parties on the achievable visibility from the access road and how the visibility splays have been shown. Various references to the available sightlines have been made, although based on the visibility splays in Appendix C of the Appellant's Technical Note (October 2019), it is common ground that they are substandard in terms of emerging visibility.
10. Despite this substandard existing visibility, the appellant has set out that there have been no accidents in the vicinity of the site in a recent five-year period. I was also able to see at the time of my visit that Main Street was lightly trafficked with vehicles approaching along Main Street having good visibility of vehicles emerging from the access.
11. I appreciate that to the south west of the access, the visibility splay would be over land that is not in control of the appellant and that it is common for the

ongoing maintenance of such splays to be secured as part of a development. This area comprises of a lawned area of land to the front of a listed building. Although planting in this area could restrict visibility, I have seen no evidence on the prospect of planting taking place in this area, particularly given that such planting would also restrict visibility from the adjacent access that serves the neighbouring listed building. As such, and having regard to Manual for Streets 2 which states that there is no evidence that reduced visibility splays increases the risk of accidents, I consider that visibility at the access would not materially harm highway safety.

12. The proposed dwelling would result in some additional use of the single width existing access, but based on the evidence before me, the likelihood of two vehicles meeting along the access road would be low. I also note reference to the dimensions of the parking spaces and turning facilities. The submitted amended plans do not incorporate a garage and given the position of the boundaries that I was able to see at the time of my visit, I consider there would be sufficient space for parking and turning and further detail could have been secured by condition, had the development been otherwise acceptable.
13. Given the above, I conclude that the proposed development would not have a significant adverse effect on highway safety. As such, it would not conflict with DMP Policy DMT3, which seeks, amongst other matters, safe access for all people. It would also not be contrary to Paragraph 111 of the Framework, which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### *Archaeology*

14. The appeal site is situated within Chelmorton, which has been identified by the Authority as a historic settlement. The appellant does not consider there is any particular evidence to suggest that the site is of archaeological interest, but the Authority have stated that the site is located in the historic core of the village that dates back to the 12<sup>th</sup> Century. Reference has also been made to a nearby site, a similar distance from the road, where the remains of a number of buildings were found in an earlier archaeological survey on that site. As such, based on the information before me, I consider there is potential for there to be archaeological remains at the site.
15. The appellant considers that it is usual for a condition to address matters relating to potential archaeological interest and refers to an appeal decision<sup>1</sup> where this matter was dealt with as such. The site subject of that appeal is not however located within Chelmorton. The Authority have also stated that the circumstances of that site differed from this appeal application, as it had a large area of concrete hardstanding which had likely reduced any remaining below ground archaeological interest. This is not the case with the appeal site, which around the stable building comprises mainly of grassed areas.
16. My attention has also been drawn to a nearby site at Meadow Barn, but its relevance to this appeal proposal is not clear. Whilst there may have been a flexible approach adopted on that site in relation to archaeology matters, the Authority have identified that the development at Meadow Barn involved moving a proposed outbuilding from a potentially archaeologically sensitive

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<sup>1</sup> Appeal Ref: APP/M9496/W/20/3245622

part of the site to a previously developed part of it, where ground disturbance had already taken place. Its circumstances are therefore not comparable to this appeal proposal.

17. Given the above, there is potential for there to be archaeological remains on the site. In the absence of information on the archaeological interest of the site, I cannot be sufficiently certain that archaeological remains would not be harmed. It is not a matter which can be reasonably controlled by a planning condition as it is necessary to determine the potential extent, and importance of archaeological interest within the site and what the effect of the proposed development would be.
18. For the reasons given above, the proposal has failed to demonstrate that it would not be harmful to potential archaeological interests at the site. As such, it would conflict with DMP Policy DMC5 which requires the provision of information on proposals that would likely affect heritage assets with archaeological interest or potential interest. It would also be contrary to Paragraph 194 of the Framework, which requires, on sites where there is archaeological interest, or potential such interest, an appropriate desk-based assessment, and where necessary, a field evaluation.

### **Other Matters**

19. I appreciate that an affordable dwelling is considered acceptable in principle and would provide accommodation for the appellant's daughter. This matter would not however overcome the harm that I have identified above.
20. The appeal site is situated within the Chelmorton Conservation Area where it is necessary to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The appeal scheme is considered acceptable in this respect, but this is a neutral matter and not one which weighs in favour of the proposal.
21. The appellant has raised concerns on misleading elements of the report to Planning Committee in reference to the proposal being for a three bedroom property as well as more generally on the consideration of the appeal application by the Authority. I have considered the appeal before me on its own merits, including in relation to the size of dwelling proposed, and administrative matters such as these should be taken up with the Authority.
22. A Section 106 was not submitted with the appeal application. I note the appellant's comments that it is a matter that can be dealt with by an appropriately worded condition, but given my conclusion on the first main issue, it is not necessary for me to consider this matter further.

### **Conclusion**

23. I have found that the proposal would be acceptable in relation to highway safety. However, this is a neutral factor and does not outweigh the harm with regard to consistency with local needs planning policy for affordable homes or in relation to harmful impacts on potential archaeological interests at the site.
24. 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