



Appeal Decision

Site visit made on 21 June 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal Ref: APP/M9496/W/21/3289387

Dry Hills, Gypsy Lane, Baslow Road, Bakewell DE45 1AF

- 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 Max Dernie against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0321/0240, dated 26 February 2021, was refused by notice dated 28 June 2021.
 - The development proposed is the creation of a new access track.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Peak District National Park.

Reasons

3. The appeal site comprises an existing vehicular access and part of an existing track known as Gypsy Lane, as well as a section of an agricultural field to their south. The site is located to the north of Bakewell and the character of the area is inherently rural and open, where there is only sporadic built development. The agricultural field which forms part of the appeal site contributes positively to the rural setting and open landscape character of the area.
4. The Peak District Landscape Strategy and European Landscape Convention Action Plan (2009) identifies that the site is located within the Derwent Valley, with its key characteristics stated as being 'its settled, well-wooded agricultural character'. It goes on to state that the fragmentation of field boundaries and further loss of natural landscapes would have a detrimental impact on landscape character.
5. The proposal seeks the formation of a new 2 metre wide access track to a residential property known as Dry Hills. The new access track would utilise the existing vehicular access on Baslow Road and a short section of Gypsy Lane, before cutting through the existing tree line and running across the agricultural field to the existing private drive to Dry Hills.
6. Gypsy Lane itself is bounded on both sides by mature trees and consequently is well screened in the wider setting. Whilst the proposed track would run parallel to Gypsy Lane it would be set noticeably away from the existing track and tree line, with the proposed track cutting across the centre of the open agricultural

field. The track, which would be constructed in Derbyshire stone, would appear stark and in contrast to the existing grass field and represent a visually intrusive feature in the landscape.

7. The visual intrusion and prominence of the proposed track would be further exacerbated by its length and the ground levels of the field which rise steadily away from Baslow Road. Although views of the proposal from the north would be screened by the existing trees along Gypsy Lane, due to the open nature of the site the track would remain visible from Baslow Road as well as in longer distance views. As a result, the development would appear as a harmful incursion in the open countryside and would fail to respect the character of the landscape and its setting.
8. The existing tree line which runs along Gypsy Lane forms the northern boundary of the agricultural field. The proposal would see this attractive line of mature trees disrupted and an unnatural gap created to enable the proposed track to join Gypsy Lane. Although the appellant states that the siting of the proposed track away from the field boundary limits the number of trees that would need to be removed, I still find that the disruption to the tree line and field boundary would have a detrimental effect on the landscape character of the area.
9. In order to reduce the visual impact of the proposal, the appellant has stated a willingness to accept a planning condition requiring the submission of a landscaping plan. However, due to its position set away from Gypsy Lane and the existing tree line, any landscaping along the eastern edge of the proposed track would stand isolated within the open landscape. Additionally, any proposed planting would take some time to mature and in the short to medium term the development would remain evident in views of the site. As such, I am not persuaded that the provision of a landscaping scheme would overcome the harm identified.
10. The appellant also suggests that the visual impact of the proposal could be reduced further by the track being composed of twin parallel rods with a grass centre, as opposed to a solid mass. Although the tracks overall mass would be reduced, this would not overcome the harm identified and the proposal would still represent a visually intrusive feature in the landscape.
11. The appellant contends that the current vehicular track to Dry Hills is of poor quality, with large potholes and uneven levels making it difficult and dangerous for vehicles to access the property. A small number of photographs of the existing track have been provided. Whilst these show a worn and uneven surface in places, the photographs alone do not demonstrate that the current track is either unsuitable or dangerous for vehicles to navigate. As a result, I do not consider that sufficient justification has been provided for the proposal and the identified harm that would arise from it.
12. Paragraph 176 of the National Planning Policy Framework (the Framework) requires me to give great weight to conserving and enhancing landscape and scenic beauty in National Parks, and that the scale and extent of developments within National Parks should be limited and sensitively located and designed to avoid or minimise adverse impacts. For the reasons set out above, the proposed development would not be sensitively located or designed to minimise adverse impacts. As a result, the development would fail to conserve and enhance the landscape and scenic beauty of the National Park.

13. I therefore conclude that the proposal would cause harm to the character and appearance of the Peak District National Park. It would therefore conflict with Policies GSP1, GSP2, GSP3 and L1 of the Peak District National Park Core Strategy Development Plan (2011), and Policy DMC3 of the Peak District National Park Development Management Policies (2019). These policies, amongst other matters, seek to ensure that developments protect and where possible enhance the natural beauty, quality and visual amenity of the landscape, whilst conserving and enhancing valued landscape character.

Other Matters

14. The appellant has referred to three planning permissions which have been granted by the Authority at Burre Cottage, Shutts Farm and Pineapple Farm. All three sites are in the vicinity of Bakewell and include the formation of a track and/or hardstanding. Each case however must be assessed on its own merits. Whilst I do not have the full details of these applications before me, I note several differences between them and the appeal proposal. These include Burre Cottage being located much closer to the centre of Bakewell and the built environment, visibility from the existing access at Shutts Farm being severely substandard, and the hardstanding at Pineapple Farm being located immediately around existing buildings. Accordingly, the presence of these approved schemes does not justify the harm which I have been identified that the appeal proposal would cause.
15. Reference has been made to the fact that the proposed track would cross a Public Right of Way (PROW). The appellant has confirmed that the PROW would remain unobstructed, and from the information available to me I am satisfied that the proposed scheme would not have a detrimental impact upon the PROW or prevent its use. I note that the Highway Authority were of a similar view and raised no objection to the proposal.
16. I have also had due regard to the personal circumstances of the appellant concerning their age and the increasing need for health care and ambulance access to the property. Whilst I have given the appellant's personal circumstances careful consideration, for the reasons detailed above I do not consider that it has been sufficiently demonstrated that the existing access is unsuitable or dangerous for vehicles to use. Furthermore, in general planning is concerned with land use in the public interest and I consider it highly probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this would not be sufficient to outweigh the harm that I have identified above.

Conclusion

17. The proposal would conflict with the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, which would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

David Jones

INSPECTOR