



Appeal Decision

Site visit made on 23 September 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2022

Appeal Ref: APP/A1015/W/22/3300929

St Josephs RC Church, Chesterfield Road, Staveley S43 3QF

- 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 M Bellfield of Bellfield Construction Ltd against the decision of Chesterfield Borough Council.
 - The application Ref CHE/21/00508/FUL, dated 27 June 2021, was refused by notice dated 21 March 2022.
 - The development proposed is described as 'Proposed erection of 3No detached dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A set of revised plans were provided to the Council during the course of the application, which included revised access and parking arrangements, level changes, and visibility splays. I have determined the appeal based on these revised plans which are set out in Appendix 2 of the Appellants Statement of Case.
3. Three further revised drawings have been provided following refusal of the application. These plans include a street scene elevation added to the sections drawing for illustrative purposes and make minor alterations to internal garage sizes. Given that the proposed revisions to the plans are minor, and they would not materially alter the scheme insofar as it relates to the main issue in dispute, I am satisfied that my consideration of these drawings as part of the appeal would not prejudice any parties.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area, having specific regard to the functions of the Strategic Gap designation.

Reasons

5. The appeal site relates to a parcel of land, used at present as a temporary construction area associated with a housing development on neighbouring land. The A619, a main route into Chesterfield, lies to the south, with housing beyond. Land levels fall notably to the north, towards the Chesterfield Canal, separated from the appeal site by open agricultural land. The visual appearance of the site from surrounding areas is mainly defined by the mature trees and landscaping to its boundaries, giving it an overall verdant

appearance. Whilst the site differs in character and appearance from the agricultural land to the north and west, nevertheless, in its present state, it makes a positive contribution to this area in views along the A619 and from the canal towpath.

6. Within the Chesterfield Borough Council Local Plan Adopted July 2020 (LP), the site is designated as part of a strategic gap, which extends beyond the site to the north, northeast and west. LP Policy CLP1, which provides the overarching spatial strategy for growth, recognises that strategic gaps give distinct identity to different areas, prevent neighbouring settlements from merging and maintain open space. It requires that the open character of the strategic gap be protected from development. LP Policy CLP15 requires that new development does not harm the character and function of a strategic gap, in this case SG2 – Ringwood and Hollingwood. Also relevant is LP Policy CLP2, which establishes the locational criteria to be applied to new development not on allocated sites. This policy prioritises the Council's spatial strategy within Policy CLP1 above all other criteria. LP Policy CLP3, which provides flexibility in housing delivery, is relevant insofar as it defines the 'Built Up Area', within which the appeal site lies. However, the text of this policy is less relevant to the proposal because it deals with allocated sites and identifies when new housing on unallocated sites, would be acceptable outside of the defined built-up area.
7. In broad terms, this part of the strategic gap is bound by Staveley to the east, Middlecroft to the south, Ringwood to the southwest and Hollingwood to the west. Noting the position of the appeal site within the strategic gap, and its relationship to these urban areas, its development would not result in their merging to any greater extent than exists at present. The retained part of the strategic gap would ensure that there was no significant erosion of the setting or identity to these areas. Therefore, in considering this specific function of the strategic gap, the proposed development would not result in harm.
8. However, a further function of the strategic gap is to support the appreciation and wider perceptual benefits of the open countryside. When travelling along the A619 in either an easterly or westerly direction, this section of the strategic gap provides some pleasing visual relief from the built form, through either an open vista across agricultural land, or from areas of mature vegetation. This visual relief is experienced for only a relatively short distance. The contribution of this part of the strategic gap to the appreciation of the open countryside is also experienced from the Chesterfield canal towpath to the north (also the Trans Pennine Trail), which offers a pleasant route for walkers and cyclists along the canal, with open vistas across the land to the north. Whilst the Arup report which provided the basis for the strategic gap designation has not been provided to me, I have been able to make my own observations in this regard.
9. Whilst there is some disagreement as to the overall extent of tree and hedgerow removal required to facilitate the development, it is clear that most existing trees along the site frontage would require removal, along with part of the frontage hedge. Whilst these trees may not be high quality specimens, nevertheless, in their mature state, they add positively to this part of the strategic gap in terms of providing visual relief from the built form. Along the northern boundary, a further portion of mature landscaping, along with some individual trees, would also require removal to allow for re-grading and retaining of the land.

10. Whilst the proposed housing would sit at a lower level when viewed from the south, the built form and road infrastructure would not be wholly screened by the retained portion of hedge and any additional planting. Parts of the development would be visible over the hedge and at the access. From the north, the site topography would allow views of the housing and associated terracing, over any retained landscaping. In effect, the site would be urbanised, changing from its present undeveloped state to housing with landscaping. This would reduce the undeveloped frontage of the strategic gap along the A619, whilst also extending the built form into the strategic gap when viewed from the north. This urbanising effect would diminish the contribution the site makes to this designation, and in turn, the appreciation and wider perceptual benefits of the open countryside, derived from it. Whilst I appreciate that the proposal is for three dwellings only, impacting on only part of the strategic gap, the site area is not small, with a reasonable length of frontage onto this relatively short, open length of the A619. Further, it would have a notable presence when viewed from the north, due to the sloping topography.
11. I have considered the supplementary planting proposed and noted the concerns expressed in terms of the achievability of some of these proposals. Notwithstanding this, I am not convinced that the landscaping to be retained and proposed would adequately soften or screen the development to the extent that it could continue to contribute to the character and function of the strategic gap in the positive way it does at present. Therefore, this mitigation planting would not adequately address the identified harm.
12. As such, this proposal would result in harm to the character and appearance of the site and the surrounding area, and consequently, it would harm the function of the strategic gap. This would not comply with LP Policy CLP15, which seeks to ensure the character and function of strategic gap designations are not harmed, in order to provide relief as well as access to the open countryside. Nor would it comply with paragraph 174 of the National Planning Policy Framework (NPPF), which seeks to ensure that all decisions contribute to and enhance the natural and local environment.
13. I appreciate that the site has been included within the 'Built Up Area' (BUA) on the Council's Proposals Map and that this is a change in status from the previously adopted local plan. Nevertheless, for the reasons outlined above, I have found that the site makes a positive contribution to the strategic gap and the proposed development would harm the character and function of that gap. The inclusion of the site within the defined BUA is not sufficient to overcome that harm.

Other Matters

14. Whilst I am not advised of any shortfall in housing land supply or delivery, the proposal would provide additional housing to the local supply, in an accessible location, close to the services and facilities of Staveley. That the appellant is presently building on the adjacent site would suggest that these houses could be delivered in the shorter term. Such development would bring associated investment and spend to the area, contributing to broader regeneration aims of the Council. However, given the scale of the proposal, these benefits of the development would attract only limited weight.
15. I have noted that in other respects the proposal has not raised any conflict with relevant LP policies. I have also had regard to the representations made by all

those parties involved in the process, in reaching my decision, which is based only on the proposal before me.

16. I have not been provided with any evidence to suggest that fly tipping or anti-social behaviour is a significant issue at this location.
17. As part of this decision, it is not for me to comment on the behaviour of the Council in terms of relaying their concerns with the proposal at the application stage.
18. These other matters do not outweigh the harm that I have identified in relation to the main issue.

Conclusion

19. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

S Brook

INSPECTOR