



Appeal Decision

Site visit made on 23 May 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/H1033/D/23/3318989

**Lower Brook House Lodge, Brook House Drive, Fairfield, Buxton,
Derbyshire SK17 7HW**

- 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 Ms Thorpe against the decision of High Peak Borough Council.
 - The application Ref HPK/2021/0667, dated 24 November 2021, was refused by notice dated 28 December 2022.
 - The development proposed is construction of a timber framed tree house with storage at ground level and a sitting area above.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area
 - The effect on nearby trees

Reasons

Character and Appearance

3. The appeal site is located on Brook House Drive and is bounded by open fields and countryside. Located on the site is a 2 storey wooden tree house for which retrospective planning permission is sought. The development includes a building with window and doorway, balcony, decking and seating area accessed via a wooden step ladder with ground floor storage underneath standing on a concrete base. The tree house is supported by wooden beams fixed with metal bolts onto existing trees.
4. Whilst the appellant says the wood has been stained to blend with the surrounding trees, the 2 storey structure is nevertheless clearly visible due to its size, massing, design and proximity to the road and golf course. There are clear views of the development from public vantage points in short and long distances creating an incongruous appearance that interferes with the natural appearance of the surroundings. Its use as a domestic shed does not make it acceptable, as has been suggested by the appellant.
5. The development harms the character and appearance of the area. It therefore conflicts with the part of Policy EQ3 of the High Peak Local Plan 2016 (Local

Plan) which strictly controls development outside settlement boundaries to protect the landscape's intrinsic character and distinctiveness and requires new development to be of high quality design and protect or enhance landscape character. It also conflicts with the parts of Policy S1 and EQ6 of the Local Plan which requires high quality design and requires new development to be well designed and respect and positively contribute to the character and identity of an area.

Trees

6. The appellant says that the development is having no structural impact on the trees. However, this has not been demonstrated as there is no tree survey or assessment before me. Given the materials used to attach the structure to the trees and the use of hard standing at the base of the structure I cannot be certain that the development is not having a harmful impact on the trees and their root systems without any detailed evidence to demonstrate otherwise. The development consequently conflicts with Policy EQ9 of the Local Plan which amongst other things protects existing trees from loss or deterioration.

Other Matters

7. The site is within the catchment area of the Peak District Dales Special Area of Conservation which has been identified by Natural England as being in an unfavourable condition due to excessive phosphorous nutrients. Consideration needs to be given as to whether the development would lead to further harm by creating a source of water pollution or impact on water quality. Given the nature and scale of the development it is unlikely that it would result in additional discharge of nutrients into the catchment. In any event, as I am dismissing the development for other reasons it is unnecessary for me to consider the matter any further and a Habitat Regulation Assessment is not needed in this instance.

Conclusion

8. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR