



Appeal Decision

Site visit made on 10 October 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 27 October 2023

Appeal Ref: APP/P1045/W/23/3320409

North Park Farm, Whitworth Road, Darley Dale, Derbyshire DE4 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr G Lowe against the decision of Derbyshire Dales District Council.
- The application Ref 22/01353/OUT, dated 6 December 2022, was refused by notice dated 13 March 2023.
- The development proposed is dwellinghouse.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks outline planning permission with all matters reserved except for access. I have considered the appeal on this basis and have treated any details in relation to the reserved matters as illustrative.
3. A planning application¹ for the same development was refused in September 2022. That decision was appealed², but the appellant subsequently withdrew the appeal. The appellant resubmitted the proposal with additional ecological evidence. The council refused the second application but the number of reasons for refusal was reduced as they did not include harm to ecology as a reason for refusal. The resubmitted proposal is the subject of this appeal decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the potential effect on trees subject to a Tree Protection Order (TPO).

Reasons

5. The site is bounded by a low stone wall fronting Whitworth Road, tall trees to the sides of the site and a low post and wire fence to the rear. These features create a vista from Whitworth Road across the valley and toward rolling hills in the distance. The site includes scrubland toward the boundaries and grass in the middle. These characteristics combine to create an open and verdant character, with long ranging views across the site.
6. Whilst there are no trees within the appeal site, the trees surrounding the site make a significant contribution to the character of the site and wider area. The trees to the south and west are subject to a TPO.

¹ Planning application Ref. 22/00772/OUT

² Planning appeal Ref. APP/P1045/W/22/3312953

7. The character of the site contrasts with the suburban character on the other side of the road which accommodates several properties, including some which front onto the road. In this instance, these features combine to create a well-defined boundary between built development and the countryside.
8. All details relating to the design of the dwelling are reserved. Notwithstanding, the appellant has provided an indicative layout and design for the property which shows it as a two storey, split level dwelling, with the tallest section of the dwelling level with the road. The appellant has also indicated that the dwelling could include natural gritstone, a sedum mono pitched roof and a driveway formed out of a permeable surface. This indicative design has been forwarded to demonstrate that a dwelling could be constructed with a minimal effect on the landscape and still allow uninterrupted views across the valley. Nevertheless, any residential development would lead to increased residential activity and domestic paraphernalia, also the provision of a domestic garden would lead to a more formal landscape. Given the topography of the site any residential development would likely incorporate retaining structures. This would lead to an increasing urbanisation of this side of the road and would appear incongruous in views from Whitworth Road across the valley.
9. The appellant has indicated that they could provide tree planting and that no existing landscaping features would be affected. However, the provision of additional trees would be at odds with the open character of the site, also any development would lead to the loss of either scrubland or grass on the site and would be harmful to the verdant character.
10. One of the parcels of land adjacent to the appeal site benefits from outline planning permission for a detached house. During my site visit it appeared as though initial groundworks had begun but the development was not complete. This parcel of land is different in character to the appeal site as it is largely enclosed by mature dense vegetation and is closer to residential development on Northwood Lane. The character of that site is verdant, but it is not open and as such there is less of a well-defined boundary between built development and the countryside. For these reasons, that site is materially different in character to the appeal site.
11. The presence of a detached dwelling immediately adjacent to the site would have an urbanising effect on the character of this side of the road. However, it would not alter the open and verdant nature of the appeal site, as it would still allow long ranging views across the valley, uninterrupted by built development.
12. The low stone wall is an important feature which contributes to the open character of the area. I am satisfied that the minor amendments required to form an access and appropriate visibility splays would not significantly alter the appearance of the wall. The necessary amendments to the boundary wall would therefore not have a harmful effect on the character and appearance of the area.
13. If I were to allow the appeal, I would attach a condition requiring the mitigation measures set out within section 5 of the Arboricultural Report to be implemented to retain and preserve neighbouring trees, including those subject to a TPO. A garden area could be orientated such that the extent of overshadowing from the trees would be reduced and there would not be additional pressure to prune or remove the trees. As such, the trees would continue to provide an attractive setting and screen the development from

wider views. Nevertheless, it would not fully mitigate the effect of the proposed development on the character and appearance of the area.

14. The proposed development would have a harmful effect on the character and appearance of the area. However, it would not have an effect on trees subject to a TPO. It would therefore be contrary to policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (LP), December 2017. These policies indicate that sustainable development will be achieved by conserving and where possible enhancing the distinct Peak District character and the natural environment including the setting of settlements within the plan area; outside defined settlement areas the council will seek to ensure that new development proposals protect the landscape's intrinsic character; all development should contribute to local distinctiveness and sense of place; and, the council will seek to protect, enhance and restore the landscape character of the plan area.
15. The proposed development would also not be in accordance with paragraph 126 of the National Planning Policy Framework (the Framework) which advises that the creation of high quality, beautiful and sustainable places is fundamental to what the planning and development process should achieve.
16. The proposed development is in accordance with LP policy PD6 as it would not lead to the loss or deterioration of ancient woodland or veteran trees.

Other Matters

17. There is no dispute between the main parties concerning a lack of an effect on the setting of the nearby Grade II listed Stancliffe Hall. Based on the evidence before me and my observations on site, I have no reason to consider otherwise.
18. The proposal would generate benefits including the provision of a dwelling, in an accessible location adjacent to the settlement boundary of Northwood, as well as economic benefits associated with the construction period and an increased population. These benefits attract moderate weight given the scale of the development. The weight ascribed to these benefits is not affected by Northwood being a tier 3 settlement, as the appeal site is an appropriate location for development as identified within LP policy S4.
19. A lack of overshadowing from nearby trees, appropriate visibility for vehicles exiting the site and the provision of three car parking spaces are all neutral factors.

Planning Balance

20. The local plan dates from 2017 but the weight to be attached does not hinge on its age. Rather paragraph 219 of the Framework makes it clear that due weight should be given to existing policies, according to their degree of consistency with the Framework. The countryside is not protected for its own sake but its intrinsic character and beauty is recognised by the Framework. As above, paragraph 126 of the Framework advises that the creation of beautiful places is fundamental to what the planning and development process should achieve. For these reasons, the conflict between LP policies S1, S4, PD1 and PD5 should be given substantial weight.
21. As the proposal is contrary to the policies referred to above, there would be a conflict with the development plan, when read as a whole.

22. The council cannot demonstrate a five year supply of deliverable housing sites. In these circumstances, footnote 7 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
23. The benefits associated with a single dwelling would be moderate when taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. As the Framework identifies that the creation of beautiful places is fundamental to what the planning and development process should achieve, substantial weight is ascribed to the harm caused by the proposal.
24. Consequently, the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

25. The proposal would conflict with the development plan and there are no material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

J Hobbs

INSPECTOR